

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL
SUBJECT:	REQUEST FOR EXTENSION OF DRAFT APPROVAL APPLICATION BY: JACKSON LAND CORP. SUMMERSIDE DRAFT PLAN 92020-D LANDS WEST OF MEADOWGATE BOULEVARD & EAST OF Highbury Avenue South MEETING ON SEPTEMBER 10, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner – Development Services, the following actions be taken with respect to the application of Jackson Land Corp. relating to the property located on the south side of Evans Boulevard, west of Meadowgate Boulevard, and east of Highbury Avenue South, legally described as Part of Lots 15 and 16, Concession 1 (Geographic Township of Westminster):

- (a) the Approval Authority **BE REQUESTED** to approve a three (3) year extension to Draft Plan Approval for the residential plan of subdivision, as red-line amended, **SUBJECT TO** the revised conditions contained in the attached Schedule “A” 39T-92020-D; and
- (b) the applicant **BE ADVISED** that the Director of Development Finance has projected the attached claims and revenues information (Schedule “B” 39T-92020-D).

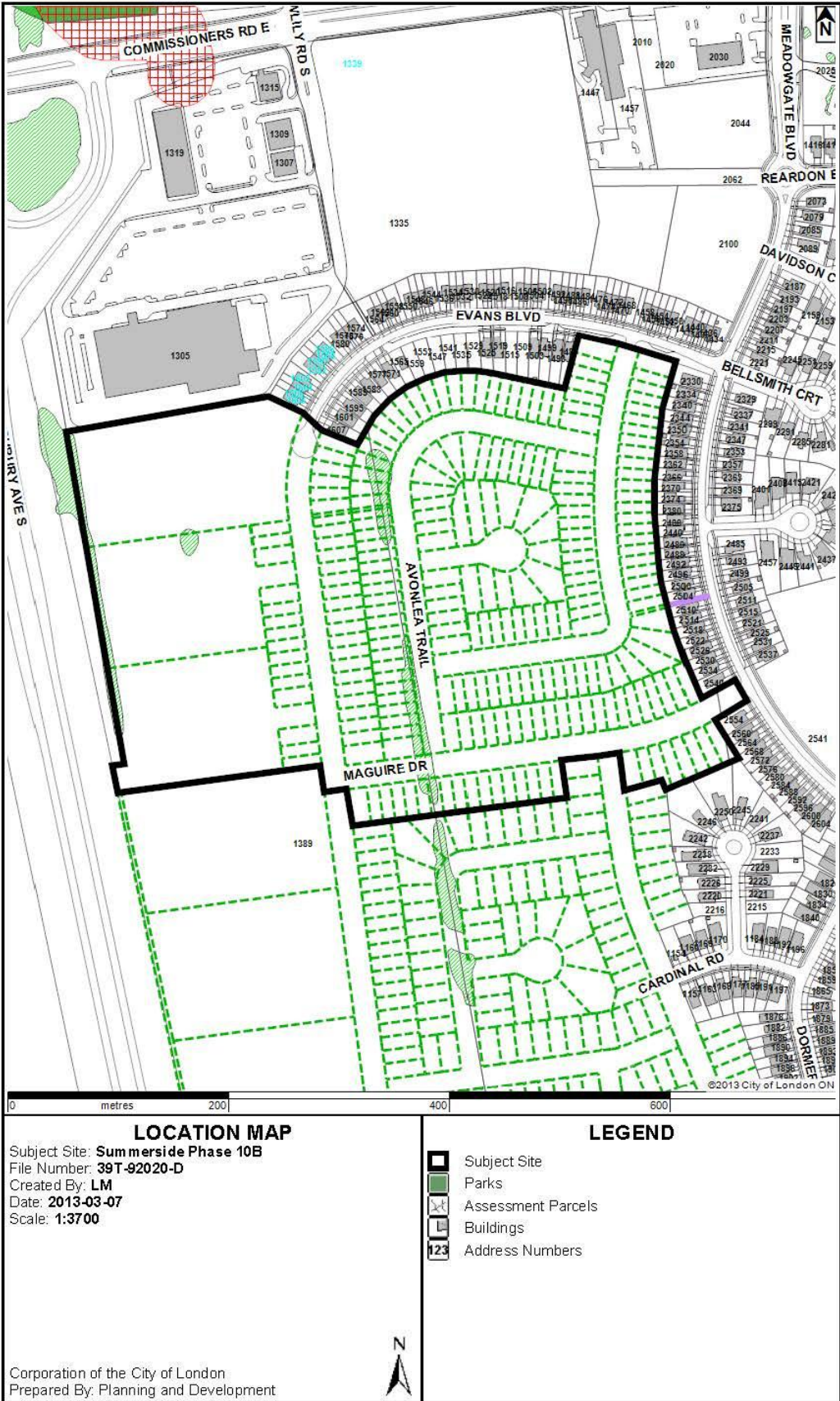
PREVIOUS REPORTS PERTINENT TO THIS MATTER

September 13, 2010 – Report to Planning Committee – Request for Extension of Draft Approval (Agenda Item #4) (File No. 39T-92020-D)

RATIONALE

1. The requested three year extension of draft plan approval is reasonable to allow sufficient time for the registration of this plan.
2. The land use pattern and road alignments in this subdivision phase comprise an integral part of the overall Summerside plan and an extension should therefore be supported, provided the conditions of draft approval are updated to reflect current City standards and regulatory requirements.

Location map

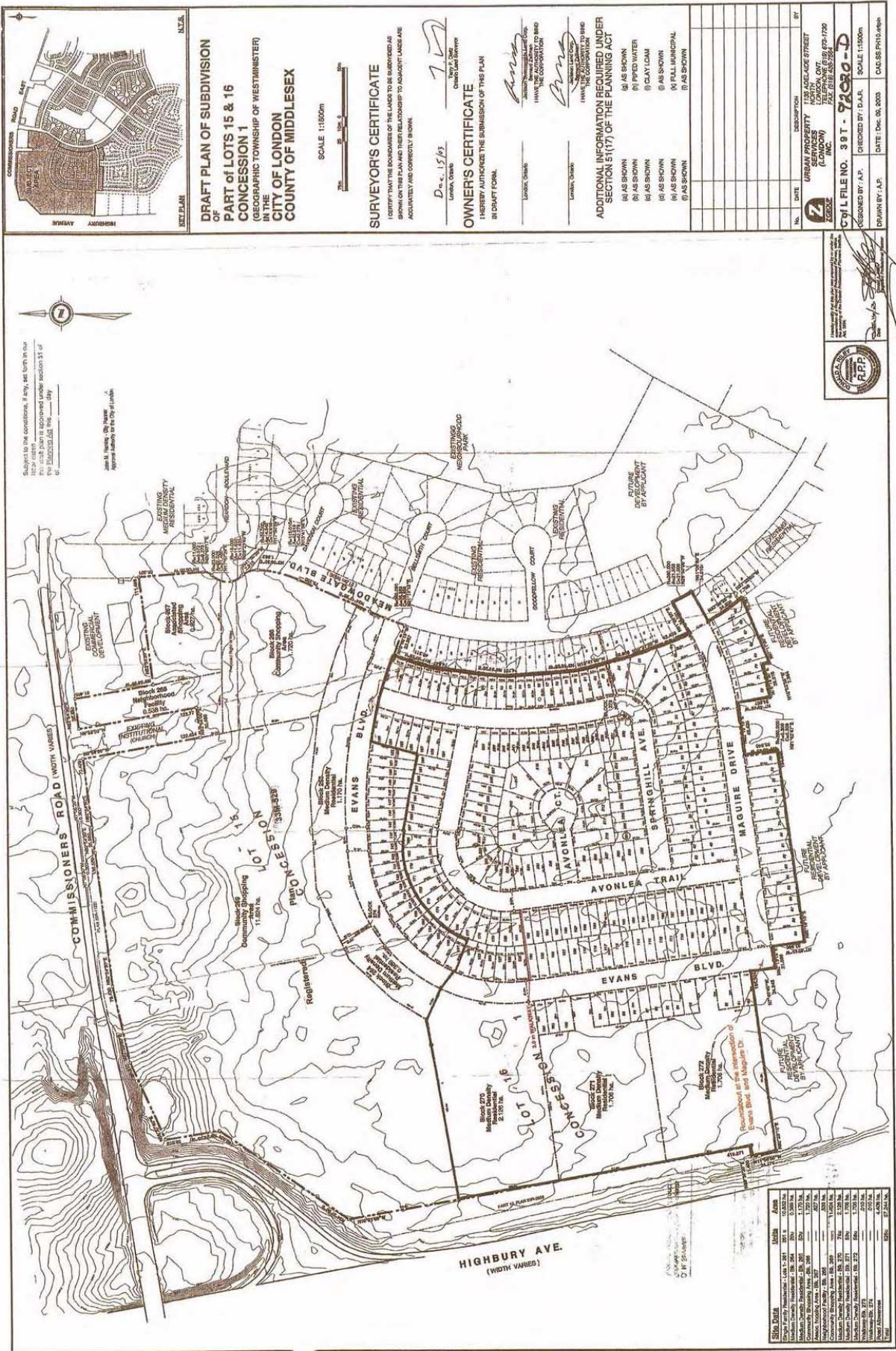


DRAFT APPROVED PLAN 39T-92020-D



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Recommended Red-Line Revised Plan



BACKGROUND

This application is requesting a three (3) year extension on the Draft Approval for the area known as Phase 10B of the Summerside Subdivision (City File # 39T-92020-D), which is generally bounded by Evans Boulevard on the north, Maguire Drive on the south, Meadowgate Boulevard on the east, and Highbury Avenue South on the west.

Summerside History

The City of London initiated an area plan for the lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue and Highbury Avenue South in the late 1980's. The area plan for the area now known as Summerside was adopted as an Appendix to the Official Plan on September 18, 1990. In August 1992, Jackson Land Corp. submitted an application for draft plan of subdivision on 256 hectares (632 acres) of land bounded by Commissioners Road East, Jackson Road, Bradley Avenue and Highbury Avenue South (File No. 39T-92020). The Ministry of Municipal Affairs granted draft approval to the Summerside subdivision on September 28, 1993. Since that time, the Conditions of Draft Approval have been revised and several phases have been registered.

The lands that are the subject of this extension request comprise Phase 10B of the Summerside subdivision. At the request of the applicant, revisions to this phase of the draft plan were approved in 2004, and subsequently a portion of the plan was registered on August 5, 2005 as Plan 33M-529. On the expiry of the draft approval period the applicant requested a three year extension because the remaining lands are at the top of the watershed for the westerly half of the Summerside area, and will be the last phase of the development to be registered.

A three (3) year extension was approved on April 23, 2007, subject to revised conditions of draft approval and updated municipal requirements. A subsequent three (3) extension was granted by the Approval Authority on October 23, 2010 with a lapse date of October 23, 2013.

Extension Request:

The applicant has applied for a three (3) year extension in order to allow more time until servicing becomes available. The remaining undeveloped lands in Summerside drain from north to south and development phasing will occur from Bradley Avenue northward. Based on this servicing constraint, Phase 10B will be one of the last areas of Summerside to be developed.

A Draft Approval extension period of three (3) years is being recommended in accordance with standard City practice. If final approval has not been provided within the three year period, there will be an opportunity to formally review the Conditions and ensure that they are relevant to current Planning policies, municipal servicing requirements and the projects listed in the updated Growth Management Implementation Strategy (GMIS).

Draft Approved Plan:

The applicant has not proposed any changes to the lotting configuration, road pattern or zoning that currently applies to the draft approved plan. The red-line revision approved in the previous (April 23, 2007) draft approval extension, for a three (3.0) metre walkway and associated lotting adjustments, is being carried over and reflected in the revised Conditions of Draft Approval. During the circulation of the current extension request, the Transportation Planning and Design Division indicated that a roundabout at the intersection of Evans Boulevard and Maguire Drive would be required, and a note to this effect has been added to the recommended red-line revised draft plan.

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Estimated Costs and Revenues:

The estimated costs and revenues information has been broken down in the chart attached as Schedule “B” to this report. Revenues are based on 2013 Development Charge rates. Development costs for this phase have been estimated at ‘nil’ with no anticipated claims against the Urban Works Reserve Fund.

Conditions of Draft Approval:

The draft approval conditions issued on October 23, 2010 have been re-circulated and reviewed with municipal departments and agencies to determine their relevance within the context of current regulatory requirements. As a result, there are minor wording modifications and revisions, as well as a number of new clauses added reflecting current municipal standards and requirements.

The proposed modifications and new conditions are briefly summarized below:

1. Conditions 1 through 20 are substantively the same as those of the previous draft approval with minor wording modifications. One of the challenges of crafting conditions is keeping current with changing job titles and protocols. Applying the use of the generic term “City” rather than individual’s specific job title has been found to be the most practical alternative wherever possible.
2. Condition 21 is revised as one of the required walkway blocks (formerly Block 274 now Block 34) has been conveyed to the City through registration of the northerly portion of this draft plan, registered as Plan 33M-529. Condition 35 requiring a walkway between Avonlea Trail and Evans Boulevard in the vicinity of Lots 124 and 182 has now been incorporated into Condition 21.
3. Condition 32 has been replaced with an updated condition to confirm that construction of a roundabout at the intersection of Evans Boulevard and Maguire Drive is required. A corresponding note has been added to the red-lined revised draft plan.
4. Conditions 33 and 34, related to the reconstruction of Commissioners Road East and access restrictions, have been deleted as they are no longer required.
5. Condition 23 and Conditions 36 through 43 have been replaced with updated clauses reflecting current municipal standards for sanitary servicing requirements.
6. Condition 48 and Conditions 50 through 53 have been replaced with updated clauses reflecting current municipal standards for stormwater management servicing requirements.
7. Condition 29 and Conditions 54 through 56 have been replaced with updated clauses reflecting current municipal standards for water servicing requirements.
8. Conditions 61 and 69 have been deleted as they are no longer required.
9. Conditions 84, 85 and 87 have been replaced with clauses reflecting current municipal standards for subdivision phasing, including the requirement for a phasing plan, identification and installation of temporary measures, provisions for easements, and removal of temporary works when no longer required.
10. Conditions 88 through 102 have been added to the General Conditions and reflect updated municipal standards, including updated standards for roads and transportation infrastructure.

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Public Notice:

Notice was not circulated to the public regarding the request for extension of draft approval given that no significant changes are being proposed to the zoning, lotting pattern or roadway alignments in the draft approved plan (39T-92020-D). In accordance with Section 50(45) of the *Planning Act* notice will be provided to the applicant, as well as any persons or public bodies who are prescribed under the Act and anyone who previously requested notification.

CONCLUSION

Staff are recommending a three year extension to the Draft Approval for this plan of subdivision, subject to the revised conditions as attached. The proposed plan and recommended conditions of Draft Approval will ensure that development proceeds in conformity with the Official Plan. A three year extension is being recommended to allow sufficient time for the registration of this plan. The recommended conditions of draft approval are attached to this report as Schedule “A” 39T-92020-D.

PREPARED and RECOMMENDED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

August 29, 2013
GK/TG/BH/LM/lm
"Attach."

Schedule “A” 39T-92020-D

Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-92020-D, ARE AS FOLLOWS:

* Denotes Deleted, Revised or New Condition

NO.	CONDITIONS
1.*	That this approval applies to Phase D of the draft plan submitted by Jackson Land Corp. (File No. 39T-92020-D), prepared by Urban Properties Services (London) Inc., certified by Terry P. Dietz, Ontario Land Surveyor (Drawing No. CAD:SSPH10.dftpln, dated Dec 09, 2003), as red-line amended, which shows 239 single detached dwelling lots, 3 medium density residential blocks, two walkway blocks all served by the extension of Evans Boulevard and four new streets. <i>(NOTE: Phase 1 of this draft approved plan was registered on August 5, 2005 as Plan 33M-529)</i>
2.	That this draft approval and these conditions replace the conditions of draft approval granted on June 12, 1997 for plan 39T-92020 as it applies to the lands bounded by Commissioners Road East, Meadowgate Boulevard, Maguire Drive and Highbury Avenue South.
3.*	That this approval of the draft plan applies until October 23, 2013 October 23, 2016 and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
4.	That the road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
5.*	The Owner shall request that the street(s) shall be named to the satisfaction of the Director, Development Planning City.
6.*	The Owner shall request that the municipal addresses shall be assigned to the satisfaction of the Director, Development Planning City.
7.	That the owner, prior to final approval, shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
8.*	Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
9.*	That the Owner agrees in writing to shall satisfy all the requirements, financial and otherwise, of the City of London including, but not limited to, surfacing of roads, installation and maintenance of services, drainage and grading, tree planting and tree preservation.
10.	That the subdivision agreement between the Owner and the City of London be registered against the lands to which it applies once the plan of subdivision has been registered.

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- 11.* ~~In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for road, utility or drainage purposes.~~

In conjunction with the registration of the plan, the Owner shall provide easements and/or land dedications as necessary for municipal works and services associated with the development of the subject lands including, but not limited to, roads, utilities, water, sanitary, storm/drainage and SWM servicing works, to the satisfaction of the City, and at no cost to the City.

- 12.* ~~Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer.~~

Phasing of this subdivision (if any) shall be to the satisfaction of the City.

- 13.* ~~The Owner agrees to~~ shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The owner’s consulting engineer shall have these requirements established and approved by the City Engineer, prior to any work on the site. Prior to the commencement of any grading or alteration on site, the owner shall enter into a site alteration agreement or a subdivision agreement and post the required security.

- 14.* ~~The Owner agrees that no construction or installations of any kind (eg. Clearing or servicing of land) involved with this plan shall be undertaken prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the General Manager of Planning and Development in writing; (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).~~

No construction or installations of any kind (eg. Clearing or servicing of land) involved with this plan shall be undertaken prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. MOE Certificates, City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways, approvals, UTRCA, MNR, MOE, City, etc.)

- 15.* ~~The Owner agrees prior to the submission of engineering drawings, to have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report are to be reviewed and approved by the City Engineer, included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the owner agrees to complete these works to the satisfaction of the City, at no cost to the City.~~

In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant to determine the effects of the construction associated with this subdivision on the existing ground water elevations and springs, water wells and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report is to also address any contamination

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impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.

- 16. That no 5% parkland dedication is required, as these lands were taken/are to be taken in conjunction with the registration of lands in the original draft plan 39T-92020.
- 17. Approval from the London Fire Department is required should any burning of materials on-site be contemplated.
- 18. That the Owner in consultation with the LTC, shall indicate on the approved engineering drawings the possible ‘Future Transit Stop Areas”. The Owner shall install signage as the streets are constructed, indicating “Possible Future Transit Stop Area” in the approximate stop locations. The exact stop locations shall be field located as the adjacent sites are built, at which time the developer shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations.
- 19.* Prior to the submission of an application for site plan approval for Blocks 270, 271 and 272, the Owner agrees that shall have a noise report will be prepared and accepted by the General Manager of Planning and Development City and further, the recommended noise attenuation measures will be incorporated into the approved site plan and development agreement between the Owner and the City of London.
- 20.* That, in order to address the issue of on-street parking within small lot developments, the Owner shall prior to the submission of engineering drawings, design and implement an on-street parking plan whereby one on street parking space for each two dwelling units is to be used as the basis for the design, to the satisfaction of the General Manager of Planning and Development City. The approved parking plan is required for each registered phase of development and it will form part of the subdivision agreement for the registered plan.
- 21.* That The owner shall convey walkway Blocks 273 and 274 to the City of London. The Owner shall provide a 3.0 m walkway between Avonlea Trail and Evans Boulevard in accordance with City standards, at no cost to the City, in the vicinity of Lots 124 and 182.
- 22.* That the owner agrees to permanently cap any abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment guidelines. In the event that an existing well in this plan is to be kept in service, the City accepts no responsibility for the well, and makes no assertion, implied or otherwise, about the quantity or quality of water available in the well. Further, the owner of the well accepts all responsibility for protecting the well and the underlying aquifer from any development activity.

Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

- 23.* The Owner shall construct and connect the proposed sanitary sewers serve this plan to a municipal system, namely the existing 200 mm (8”) sanitary sewer on Meadowgate Boulevard, the existing 250 mm (10”) sanitary sewer on Evans Boulevard and the future

~~sanitary sewer to be constructed on Evans Boulevard. Design and construction of the sanitary sewer system shall be to the satisfaction of the City Engineer.~~

In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:

- i) Construct sanitary sewers to serve this plan and connect them to the existing municipal sewer system, namely, the existing 200 mm (8") diameter sewer located on Meadowgate Boulevard, the existing 250 mm (10") diameter sewer located on Evans Boulevard and the future sewer to be constructed on Evans Boulevard to the south;
- ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City Engineer;
- iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the specifications of the City Engineer. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
- iv) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City Engineer. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

- 24.* ~~The subdivider agrees to construct stormwater management facilities to the satisfaction of the City Engineer.~~
- 25.* ~~The subdivider agrees to~~ Owner shall maintain the water balance in the Summerside wetland by constructing ~~In order to achieve this, the subdivider agrees to construct a "third pipe" system to direct water flows to the wetland. Design and construction of the third pipe system shall be to the satisfaction of the City Engineer, the General Manager of Planning and Development and the Ministry of Natural Resources.~~
- 26.* ~~The subdivider agrees that should this phase~~ Should this subdivision be completed before the downstream part of the third pipe system is constructed, ~~the Owner shall to~~ direct stormwater to a stormwater management facility to the satisfaction of the City Engineer.
- 27.* ~~The subdivider agrees that should this phase be completed before the permanent regional stormwater management facility is constructed, to direct stormwater to a temporary stormwater management facility to the satisfaction of the City Engineer.~~
- 28.* ~~The subdivider agrees the water supply for this subdivision shall be to the satisfaction of the City Engineer.~~
- 29.* ~~The subdivider agrees to provide "looping" of the water main system constructed for this subdivision when eighty (80) units or more are to be built in the internal watermain infrastructure, all to the specifications of the City Engineer.~~

In accordance with City standards or as otherwise required by the City Engineer, the Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development of this plan of subdivision is proposed to proceed beyond 80 units.

- 30.* ~~The subdivider agrees that prior to entering into a subdivision agreement, they may be required to demonstrate, to the satisfaction of the City Engineer, that there is sufficient arterial road network capacity to accommodate the proposed development. Restrictions~~

~~on development and/or phasing maybe imposed if there is insufficient network capacity to accommodate the proposed development.~~

- 31.*
- ~~The subdivider agrees to submit a plan developed in the context of the road network established for the Jackson District Area Plan which identifies the traffic calming measures required along the secondary collector road network to discourage through traffic and excessive vehicle speeds. Alternatively, the Transportation Planning and Design Division will prepare a traffic calming plan.~~

In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide a conceptual design of the proposed traffic calming measures in this plan, including parking bays, curb extensions and other measures, in the context of the road network established for the Jackson District Area Plan which identifies the traffic calming measures required along the secondary collector road network to discourage through traffic and excessive vehicle speeds, to the satisfaction of the City.

- 32.*
- ~~The subdivider agrees to hold Lots 90, 91 and 92 out of development until it is determined if a roundabout will be required at the intersection of Evans Boulevard and Maguire Drive. Should a roundabout be required, reconfiguration of these lots and/or amalgamation of this land with Block 272 will not necessitate a red line amendment to this plan and shall be to the satisfaction of the General Manager of Planning and Development.~~

The Owner shall construct a roundabout at the intersection of Evans Boulevard and Maguire Drive to the satisfaction of the City.

- 33.*
- ~~The subdivider agrees to reconstruct Commissioners Road East to the satisfaction of the City Engineer. Restrictions on development and/or phasing may be imposed if these road works are not completed prior to the issuance of building permits.~~

- 34.*
- ~~The subdivider agrees full access to Commissioners Road East will be restricted to opposite Meadowlilly Road South. Any other access to Commissioners Road East will be restricted to rights in and rights out only and /or may require a joint access agreement.~~

- 35.*
- ~~The Owner shall provide a 3.0 m walkway between Avonlea Trail and Evans Boulevard in accordance with City standards at no cost to the City in the vicinity of Lots 124 and 182.~~

- 36.*
- ~~Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Pottersburg Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.~~

Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Pottersburg Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

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- 37.*

~~Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.~~
- 38.*

~~Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.~~
- 39.*

~~The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.~~
- 40.*

~~Throughout the duration of construction within this draft plan of subdivision, the Owner shall undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during construction, all at the Owner's cost. Quality control measures are also required to prevent inflow and infiltration from entering the sanitary sewer system after construction, all satisfactory to the City Engineer and all at no cost to the City.~~

In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:

i)

~~Throughout the duration of construction within this draft plan of subdivision, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City Engineer, at no cost to the City;~~

ii)

~~Not allowing any weeping tile connections into the sanitary sewers within this Plan;~~

iii)

~~Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewers; and~~

iv)

~~Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407.~~

41.*

~~The Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the outlet sewers situated on private lands outside this phase and shall provide satisfactory easements over the sewers as necessary, all to the specifications of the City Engineer, at no cost to the City.~~

Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the outlet sewers situated on private lands outside this phase and shall provide satisfactory easements over the sewers as necessary, all to the specifications of the City, at no cost to the City.

42.*

~~The Owner shall construct sewer within this plan at an appropriate size and depth to accommodate flows from upstream lands which are tributary to this system and external to this phase.~~

43.*

~~In conjunction with the Design Studies submission, the Owner shall provide an analysis which shall indicate the water table level of lands within the subdivision and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407. Any measures shall be incorporated into the design drawings for the subdivision.~~
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In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:

- i) Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced to the satisfaction of the City Engineer;
- ii) Provide a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.

- 44.* The Owner shall construct and connect the proposed storm sewers serving this plan and connect them to an outlet to a tributary to both the South Thames and Dingman Creek via proposed and/or existing storm/drainage servicing work and the existing Summerside Stormwater management (SWM) Facility located within the Dingman Creek Subwatershed study area.
45. The Owner shall ensure that the storm outlet for the subject lands is via the existing Summerside SWM Facility, in which the majority of the storm flows from the facility outlet through the existing Summerside Tunnel System to the Thames River and a minority of the storm flows outlet to the Hampton Scott Drain to maintain the baseflow conditions of the drain.
46. The Owner shall ensure that the “third pipe” system for the subject site conveys drainage from rear yards within and exterior to these lands specified in the Summerside District Stormwater and Stormwater Management Master Plan (updated 2004) to the wetland area in the southwest portion of this plan.
47. The Owner shall have it’s professional consulting engineer design and construct the proposed third pipe system, storm/drainage and SWM servicing works for the subject lands, all to the satisfaction of the City Engineer and according to the requirements of the following:
- i) The SWM targets and criteria for the Dingman Creek Subwatershed Study Update (2005);
 - ii) The Summerside District Stormwater and Stormwater Management Master Plan (updated 2004);
 - iii) Final Stormwater Management Report for the Summerside Subdivision;
 - iv) The Biological Evaluation of Summerside Wetland, London, Ontario (February 1991)
 - v) The City’s Drainage By-law and lot grading standards, policies, requirements and practices;
 - vi) The Ministry of the Environment’s Practices Planning and Design Manual (2003); and
 - vii) All applicable Acts, Policies, Guidelines, Standards and Requirements of the City of London, Ministry of the Environment and all other relevant agencies.
- 48.* ~~Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria, all to the satisfaction of the City Engineer.~~

Prior to the issuance of a Certificate of Conditional Approval for lots and blocks in this plan, or as otherwise approved by the City, all storm servicing and drainage works, including major and minor storm flow routes, and stormwater management (SWM) related works, including the proposed Regional SWM Facility, to serve this plan, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.

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49. The Owner shall construct all components of the required third pipe system for the subject site that would accommodate any upstream flows from the existing third pipe system and maintain the water balance in the existing wetland area located at the southwest corner of the Summerside lands, all to the satisfaction of the City Engineer.

50.* ~~Prior to the issuance of a Certificate of Conditional Approval, the Owner’s professional engineer shall identify major and minor storm flow routes for the subject land and those flow routes shall be constructed and be operational, all to the satisfaction of the City Engineer.~~

In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following, and to the satisfaction of the City:

- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
- ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
- iii) Designing the “third pipe” system to direct water flows to the wetlands;
- iv) Providing or updating a geotechnical report to address all geotechnical issues and all required (structural, maintenance and erosion) setbacks related to slope stability for lands within this plan, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;
- v) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
- vi) Implementing SWM soft measure Best Management Practices (BMP’s) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

51.* ~~The Owner shall implement SWM soft measure Best Management Practices (BMP’s) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.~~

52.* ~~Prior to final approval, the Owner’s consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.~~

Prior to the acceptance of engineering drawings, the Owner’s consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

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53.* ~~In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City Engineer. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~

54.* ~~The Owner shall connect the proposed watermain to serve this plan to a municipal water system, namely, to the existing 200 mm (8") diameter watermain on Meadowgate Boulevard and the existing 250 mm (10") diameter watermain on Evans Boulevard.~~

The Owner shall construct the proposed watermain to serve this plan and connect them to a municipal water system, namely, to the existing 200 mm (8") diameter watermain on Meadowgate Boulevard and the existing 250 mm (10") diameter watermain on Evans Boulevard.

55.* ~~With the submission of the Design Studies, the Owner shall have its professional engineer provide a water servicing report which addresses the following:~~

- ~~i) identify external water servicing requirements;~~
- ~~ii) confirm capacity requirements are met;~~
- ~~iii) identify need for the construction of external works;~~
- ~~iv) identify the effect of development on existing water infrastructure/identify potential conflicts;~~
- ~~v) water system area plan(s);~~
- ~~vi) water network analysis/hydraulic calculations for subdivision report;~~
- ~~vii) phasing report;~~
- ~~viii) oversizing of water main/cost sharing agreements.~~

In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:

- i) A water servicing report which addresses the following:
 - a) Identify external water servicing requirements;
 - b) Confirm capacity requirements are met;
 - c) Identify need to the construction of external works;
 - d) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - e) Water system area plan(s)
 - f) Water network analysis/hydraulic calculations for subdivision report;
 - g) Phasing report;
 - h) Oversizing of watermain, if necessary and any cost sharing agreements.
 - i) Water quality
 - j) Identify location of valves and hydrants
- ii) Design calculations which demonstrate there is adequate water turnover to address water quality requirements for the watermain system or recommend the use of the following:
 - a) valving to shut off future connections which will not be used in the near term; and/or
 - b) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner; and/or
 - c) make suitable arrangements with Water Operations for the maintenance of the system in the interim.

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Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.

56.* ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many homes need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.~~

57.* ~~The cul-de-sac on Avonlea Court is to be constructed in accordance with the City of London Standard DWG. SR-5.0. The Owner may provide a raised circular center island (R=8.0 m) within the cul-de-sac as an option.~~

The cul-de-sac on Avonlea Court shall be constructed in accordance with the City of London Standard DWG. SR-5.0. The Owner shall provide a raised circular centre island (R=8.0 m) within the cul-de-sac or as otherwise directed by the City Engineer.

58. Evans Boulevard and Maguire Drive are to have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').

59. Avonlea Trail and Springhill Avenue are to have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').

60. Avonlea Court is to have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').

61.* ~~The Owner agrees that, if a parking plan is required for this subdivision, and increased pavement width is proposed to accommodate the parking plan, the road allowance width will be increased a corresponding amount in order to maintain the standard 6.0 m wide boulevards on either side of the road. Further, the Owner agrees that any proposed widening of the pavement and the road allowance will be to the satisfaction of the City Engineer.~~

62. The Owner shall construct 1.5 metre (5') sidewalks on both sides of the following streets:
i) Evans Boulevard
ii) Maguire Drive

63. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
i) Avonlea Trail – outside boulevard
ii) Springhill Avenue – south and east boulevards

64.* ~~The Owner shall ensure that~~ No vehicular access will be permitted to Blocks 270, 271 and 272 from Highbury Avenue. All vehicular access is to be via the internal subdivision street, Evans Boulevard.

65. The Owner shall utilize construction access routes designated by the City Engineer.

66. The Owner shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design, etc.

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67.* Blocks for 0.3 m (1') reserves will be required at the following locations:

- i) Block 270 – west limit, abutting Highbury Avenue
- ii) Block 271 – west limit, abutting Highbury Avenue
- iii) Block 272 - west limit, abutting Highbury Avenue
- iv) Maguire Drive – south limit, between Lots 72 & 75 73
- v) Evans Boulevard – west and south limits

68. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

69.* ~~The Owner shall identify how those blocks with medium density residential land use permitting low density residential development can be served through the internal road network, if these lands are developed with low density residential development.~~

70. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City Engineer. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.

71.* ~~Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer.~~

Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.

72. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.

73. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.

74. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.

75. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services. Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

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Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

76. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
 - i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
77. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
78. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the plan.

- 79.* ~~The Owner's professional engineer shall provide inspection services for all work during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a Certificate of Completion of Works upon completion in accordance with the plans accepted by the City Engineer.~~

The Owner shall be required to have its professional engineer provide inspection services for the works to be assumed by the City; including all matters, works, services and things required to be constructed, installed or done by the Owner in accordance with the plans accepted by the City Engineer.

80. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. All class EA's must be completed prior to the submission of engineering drawings.

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- 81. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for “Guidelines for Notification to Public for Major Construction Projects”.
- 82.* ~~In conjunction with registration of the plan, the Owner shall provide to the appropriate authorities such easements as may be required for road, utility or drainage purposes.~~
- 83. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 84.* ~~If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City.~~

If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.

- 85.* ~~The Owner shall remove any temporary works when no longer required and restore the area, at no cost to the City, to the specifications and satisfaction of the City Engineer.~~

The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.

- 86. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
- 87.* ~~In the event the Owner wishes to phase this plan of subdivision, in conjunction with the Design Studies submission, the Owner shall submit a phasing plan, all to the specifications and satisfaction of the City of London.~~

In conjunction with the Design Studies submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.

- 88.* In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) Implement all geotechnical recommendations with respect to erosion, maintenance and structural setbacks related to slope stability and ensure they are adequately addressed for the subject lands, to the satisfaction of the City and the Upper Thames River Conservation Authority;
 - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;
 - iii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - iii) Address forthwith any deficiencies of the stormwater works and/or monitoring

program.

- 89.* The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City.
- 90.* In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard “Minimum Centreline Radii of Curvature of Roads in Subdivisions”, to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.
- 91.* In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.
- 92.* All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
- 93.* The Owner shall construct traffic calming measures, including parking bays, curb extension and other measures to the satisfaction of the City.
- 94.* The Owner shall install street lighting on all streets in this plan to the satisfaction of the City Engineer, at no cost to the City.
- 95.* Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.
- If funds have been provided to the City by the Owner(s) of adjacent lands for the removal of the temporary turning circle(s) and the construction of this section of road(s) and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.
- 96.* The Owner shall be required to make minor boulevard improvements on Highbury Avenue South adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- 97.* The Owner shall have the common property line of Highbury Avenue South graded in accordance with the City of London Standard “Subdivision Grading Along Arterial Roads”, at no cost to the City.
- Further, the grades to be taken as the centreline line grades on Highbury Avenue South are the future ultimate centreline of road grades as determined by the Owner’s professional engineer, satisfactory to the City. From these, the Owner’s professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.
- 98.* The Owner hereby agrees that, should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City

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Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment “Guidelines for Use at Contaminated Sites in Ontario”, “Schedule A – Record of Site Condition”, as amended, including “Affidavit of Consultant” which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.

99.* The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

100.* The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

Schedule “B”

Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	Nil
Estimated Revenues - This Agreement (2013 rates)	
CSRF	\$5,416,423
UWRF	\$2,106,302
Total	\$7,522,725

1.

Estimated Revenues are calculated using 2013 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for “soft services” (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
2.

This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the “Estimated Revenues – This Agreement” section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a “citywide” approach to recovery of costs (\$0) of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed By:

Peter Christiaans
Director, Development Finance