

FROM:	G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	SIFTON PROPERTIES LIMITED 1100 & 1140 NORTH WENIGE DRIVE FOREST HILL PHASE 5 EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON NOVEMBER 12, 2013

## **RECOMMENDATION**

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Draft Plan of Subdivision application of Sifton Properties Limited, relating to the property located at 1100 & 1140 North Wenige Drive:

- a) The Approval Authority **BE ADVISED** that Council supports the Approval Authority granting a three (3) year extension of the draft plan of subdivision submitted by Sifton Properties Limited, prepared by AGM Surveying, certified by Bruce Baker, Ontario Land Surveyor (Drawing No. 1072-B, dated October 2009) <u>as red-line amended</u>, which shows 40 single detached dwelling lots, 1 open space block and 1 neighbourhood park block, served by the continuation of Rollingacres Place **SUBJECT TO** the revised conditions contained in the <u>attached</u> Appendix "A"; and,
- b) the applicant **BE ADVISED** that the Director of Development Finance has projected the following claims and revenues information attached as Schedule "B".

## PURPOSE AND EFFECT OF RECOMMENDED ACTION

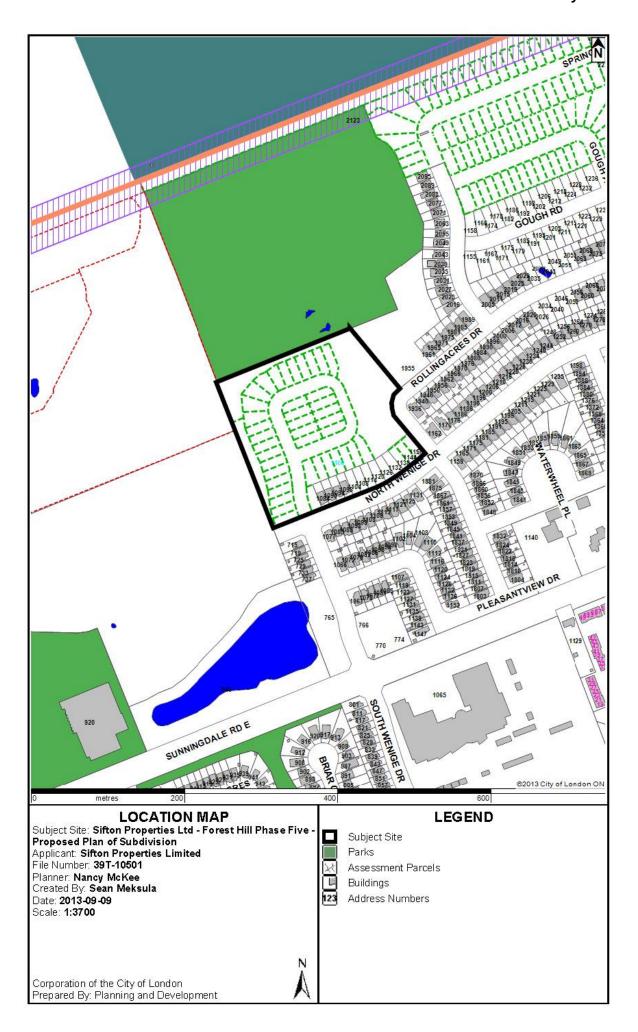
The effect of the recommendation is to allow for a three (3) year extension of the draft approval for the Forest Hill Phase 5 Subdivision.

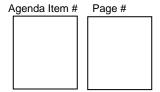
## PREVIOUS REPORTS PERTINENT TO THIS MATTER

**39T-99515 - February 7, 2000** - Report to Planning Committee regarding the City's position on the plan of subdivision and zoning by-law amendment appealed to the OMB because the City's refusal or neglect to make a Decision; and directing the City Solicitor to attend the hearing.

**December 10, 2001** - Report to Planning Committee regarding revision to the draft approved plan of subdivision and a zoning by-law amendment.

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**January 13, 2003** - Report to Planning Committee regarding revision to the draft approved plan of subdivision and a zoning by-law amendment.

**January 31, 2005** - Report to Planning Committee regarding revision to the draft approved plan of subdivision and a zoning by-law amendment.

October 27, 2008 – Report to Planning Committee on extension of draft approval.

**November 8, 2010 –** 39T-10501 Draft Approval recommendation and Public Participation Meeting at Planning Committee.

## **PLANNING HISTORY**

This proposed subdivision plan represents "Phase 5" of the original 40 hectares (100 acres) Forest Hill subdivision.

This Block was originally part of the Forest Hill Subdivision (39T-99515) submitted by Monarch Construction Limited, was accepted April 1, 1999 and circulated to the public and required agencies and municipal departments on April 13, 1999.

In draft approved plan 39T-99515 (referred to as the "Forest Hill" subdivision), the southern half of the lands were allocated for a future separate school block. The London District Catholic School Board determined that this elementary school site was no longer required, and no other school board requested this block. Sifton Properties Limited applied to subdivide this block and reconfigure the park block (known as Block 322). Through the original draft approval for 39T-99515, condition #37 spoke to a possible reconfiguration/redesign of the park block should development of the school site not proceed:

"That the owner agrees that the configuration and design of the park block (Block 256) is dependent upon construction of a school on the adjacent school block (Block 257). Therefore, prior to registration of either Block 256 or 257, the respective school board shall confirm in writing, on sixty days notice of the applicant's intention to register this part of the plan, the school board's intention to acquire or relinquish their right to acquire Block 257. Should the respective school board decide not to acquire Block 257, the owner and the City of London will re-configure the park block to provide for better configuration and design of said park block."

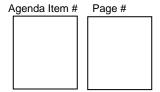
The plan, known as Forest Hill Phase 5 was draft approved December 23, 2010. Since that time, Sifton has applied for 2 consent applications requesting to sever 13 future single-detached residential lots located along North Wenige Drive (known as Lots 2-14 on draft plan 39T-10501). Ten lots were created in 2011 and a further 3 lots were created in 2013, and therefore, should not be a part of the draft approval for Forest Hill Phase 5.

## SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

### **Servicing Related Comments**

From an engineering perspective, Development Services, the Transportation and Planning Division, the Wastewater and Drainage Engineering Division, the Water Engineering Division and the Stormwater Management Unit have no objection to the extension of draft approval for the above-noted subdivision with due consideration of the following updates.

Please note the following additions and/or revisions are required to be made to the Approval Authority Conditions dated December 23, 2010. It is noted that these revised conditions include Approval Authority and Engineering standard conditions.



Staff Response: Conditions to support the Engineering comments have been added to the draft plan.

## Upper Thames River Conservation Authority (UTRCA)

"This application was considered by Planning Committee at its meeting on November 8, 2010. At that time the UTRCA expressed concern that the City was moving forward with the approval especially given our outstanding concerns regarding the buffer for the Provincially Significant Arva Moraine Wetland. These included:

## **Buffers**

- a) The proposed draft plan of subdivision provides a minimum of 10 metres from the woodland edge and 15 metres from the wetland edge. Please identify all of the buffers in Table 1 on a map, along with the development limit and the setback segments from Table 1. The development limit cannot extend into the minimum buffer widths. This will also assist in determining if buffers are adequate for water horsetail, tall goldenrod, swamp white oak, and the monarch butterfly.
- b) Please ensure that all buffers provided along the woodland are at least 10 metres in width from the drip line consistent with the minimum City of London standard.
- c) Please indicate on a map where the stockpiling of material will occur on the site?

## Wetland Boundaries

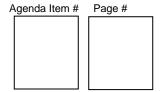
- a) Please explain the 15 metre buffer was determined for the wetland?
- b) Please explain how it was possible to determine that the 15 metre buffer is accurate if the wetland boundary has not been delineated? Since field work is not possible because the landowner has denied permission, please provide the MNR wetland boundary on a map and show the buffer from that edge. Please ensure that the greater of the two buffers (woodland or wetland) is the outer limit of the development.
- c) Please confirm that the MNR were circulated the application and provided with the opportunity to comment on the wetland feature.
- d) If the wetland was not inventoried, how is it possible to know where the locally significant plant species are located?

Condition 32 requires that the necessary Section 28 approvals be obtained from the UTRCA which may result in the need for further redline revision to the lots adjacent to Block 54 & 55. We recommend that the applicant contact the UTRCA regarding our permit process. The Authority will require a response to our outstanding concerns at that time and we will assess whether a further redline revision to the plan is required."

## Staff Response:

Prior approvals and the previous OMB-approved draft plan for the Forest Hill Subdivision (39T-99515) set a limit of development which coincided with the property boundary. Previous zoning for the site included a Residential Zone (R1-3) which would have permitted development up to the limits of the subject property with no additional buffers. The significant wetlands and woodlands were also delineated and acknowledged through the previous draft plan of subdivision approval by the OMB. The submission of the revised EIS and addendum/responses focused the impacts associated with the change in land use from school and park block to single family residential lots and park block. Concerns are primarily related to the width of the proposed buffer and limit of development and the delineation of the existing significant features.

A significant wetland was identified to the north of this development, and a significant woodland and wetland is located to the west of the subject site. As part of the EIS submission, the dripline of the vegetation surrounding the existing woodland community was flagged and surveyed, a fall botanical survey and vegetation community classification was completed, a review of wildlife habitat conditions and incidental wildlife observations was undertaken, and a spring botanical survey and edge vegetation assessment was completed. Wetland delineation information was



provided by the Ministry of Natural Resources for the Arva Moraine Wetland Complex, and additional flagging of the wetland limits was conducted through aerial photography review and GPS. Vegetation communities were delineated on aerial photographs and confirmed in the field. Community characterizations were based on the Ecological Land Classification (ELC) system. The wetland boundary was flagged along its boundary and delineated in accordance with The Ontario Wetland Evaluation System. It should be noted that the significant features are also delineated on Schedule "B1" of the Official Plan as These features are identified as a Provincially Significant Wetland, Woodlands, and Potential ESA, and shown as "Open Space" on Schedule "A". The wetland area within the woodland, as well as an adjacent 120 metre allowance, is regulated by the Upper Thames River Conservation Authority (UTRCA).

At the time of draft approval, the UTRCA and EEPAC did not agree with the width of the proposed buffers. The buffer zone guidelines recommend a minimum 30 m buffer from all wetlands in the absence of an EIS. Both UTRCA and EEPAC recommend that the development be deferred until the wetland edge was established.

According to the official mapping provided by the Ministry of Natural Resources for the Arva Moraine Wetland Complex, and through the previous development application on site, the boundary of the wetland on record is located well within the limits of the woodland. Lots 22 through to 37 are greater than 30 m distance from the MNR wetland boundary. Their wetland boundary is coincident with the vegetation limit of the patch at lots 38-40 and then again adjacent to the park block 55. These are the only 3 lots and block that are less than 30 m from the MNR boundary. The EIS identified a wetland community adjacent to lots 41-43 that was not identified in the MNR evaluation and goes beyond that which was delineated by the MNR. The Ministry of Municipal Affairs and Housing was circulated and provided comment that the City ensures consistency with the policies of the PPS.

The EIS update concluded that the limits of development would protect and not impact on the adjacent natural heritage features. Parks Planning Staff expressed the opinion that the recommended draft plan as red line amended represents the best efforts to accommodate a revised, larger buffer based on different ecological effects expected from the change to low density residential form from the previously approved development limit for this block when it was designated for a school.

Opportunities for restoration of previously disturbed areas or enhancement of the buffers and adjacent natural features have been identified and encouraged through this EIS Update. Conditions have also been added to the draft plan of subdivision. As well, the standard clause which requires that a development permit be obtained from the UTRCA was added to the draft conditions of subdivisions.

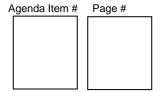
The applicant submitted additional information to the UTRCA in August, 2013, and a Section 28 permit was issued by the UTRCA on October 21, 2013.

# ANALYSIS

## Revision to Draft Approved Plan:

The applicant is not proposing any revisions to the draft approved plan as part of this application. However, Planning staff is recommending additional minor redline changes, which include the removal of Lots 2-11 inclusive. These proposed changes will be reflected in the revised conditions of draft approval and through red-lines to the plan.

Attached for reference is a location map, and a reduced version of the draft approved plan dated October, 2009, with the additional proposed red-line amended changes (located at the end of Appendix "A").



Through circulation, significant departments and agencies have expressed they have no objection to the requested extension of draft plan, provided the revised and/or additional municipal requirements are included as conditions of draft approval. A number of the conditions of draft approval relating to water servicing, sanitary servicing, and stormwater drainage and stormwater management have been modified or are new proposed conditions, as well as other modifications to existing standard conditions to be consistent with current City practice.

The recommended changes are shown as a strikeout or an <u>underline</u> of the word(s). A # denotes a new condition. Attached is a copy of the revised conditions of draft Approval, Appendix "A" as recommended by Development Services.

#### **Public Notice:**

Notice was circulated to those individuals who requested the notice of decision from the previous plan of subdivision only.

Notice of the Decision to extend draft approval shall be given to those who requested copies of the initial decision.

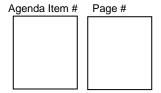
## CONCLUSION

It is the opinion of Development Services that the extension of draft approval be supported and that a three year extension is granted subject to the attached changes to the conditions of draft approval. Public notice of the decision to extend draft approval will be given to those who requested a Decision as there are a number of changes/additions to the existing conditions of draft approval relating to water, sanitary and stormwater servicing arrangements for this subdivision.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER, DEVELOPMENT PLANNING	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
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## November 4, 2013

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## Appendix "A" - Proposed conditions

## **Conditions of Draft Approval**

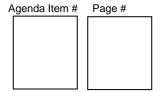
THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-10501 ARE AS FOLLOWS:

## NO. CONDITIONS

7.

- This draft approval applies to the draft plan submitted by Sifton Properties Limited, prepared and certified by AGM Engineering Limited, File No. 39T-10501, Drawing no. 1072-8, as red-line amended, which shows a total of 40 single detached dwelling lots, 1 park block, and 1 open space block served by North Wenige Drive and a new local road, Rollingacres Place.
- 2. If consent application B.047/10 proceeds to final registration before final approval, Lots 2-11 of File No. 39T-10501 shall be removed from the draft plan to be registered.
- 3. This approval of the draft plan applies for three years, 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. 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 require request that street(s) shall be named to the satisfaction of the Director of Development Planning. City prior to final approval.
- 6. The Owner shall require request that the municipal addresses shall be assigned to the satisfaction of the Director of Development Planning. City prior to final approval.
- 8. Prior to final approval, the Owner 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.
- 9. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
- 10. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
- 11. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
- 12. 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 registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer, at no cost to the City.



13. 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.

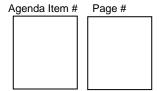
Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specifications and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

- 14. Prior to Final Approval, all required connections from this plan to municipal services shall be available.
- 15. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this plan prior to 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. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.).

No construction or installations of any kind (eg. Clearing or servicing of land) involved with this plan shall be undertaken prior to the Owner entering into a site alteration agreement or subdivision agreement with the City 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.).

16. 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 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, prior to any work on site. Any remedial works recommended in the report shall be constructed or installed by the Owner, prior to the issuance of a Certificate of Conditional Approval, 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 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 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 Engineer, at no cost to the City.

16. Prior to any work on site, the Owner shall determine if there are any abandoned wells in this plan and shall decommission and permanently cap any abandoned wells located in this plan, in accordance with current Provincial legislation, regulations and standards. It is the responsibility of the Owner to determine if any abandoned wells exist in this plan.

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.

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 aguifer from any development activity.

- 17. Prior to the acceptance of engineering drawings, the Owner shall have its professional engineer confirm that sufficient sewage treatment and conveyance capacity is available to serve the subdivision, to the satisfaction of the City Engineer.
- 18. 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.
- 19. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan including required engineering drawings, to the satisfaction of the City Engineer and General Manager of Planning and Development. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer and General Manager of Planning and Development.

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. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City Engineer.

- 20. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.
- 21. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the General Manager of Planning and Development City and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the General Manager of Planning and Development City and the City Engineer, such submission will be returned to the Owner without detailed review by the City.

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- 22. Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
- 23. The Owner's consultant shall request that the Ministry of Culture notify the City of London that there are no archeological concerns, to the satisfaction of the General Manager of Planning and Development City. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to notification from the Ministry of Culture.

#### **PLANNING**

#### **Parks**

- 24. Block 55 shall be conveyed to the City of London as parkland dedication. This conveyance satisfies the parkland dedication requirements for this subdivision as well as draft plan of subdivision 39T-99515.
- 25. Block 54 may be conveyed to the City by the Owner for parkland credit consistent with the Council approved hazard land rate as prescribed in By-law CP-9.
- 26. In conjunction with Design Studies submissions, the Owner shall submit a park concept for Block 55 and Block 57 of registered plan 33M-610. Block 55 will be developed in conjunction with Block 57 on 33M-610 as one park.
- 27. In conjunction with the Engineering Drawings submission, the Owner shall submit a detailed park plan for the entire site, including Block 55 and Block 57 of registered plan 33M-610. The detailed park plan shall be prepared by a registered landscape architect to the satisfaction of the General Manager of Planning and Development and the City Engineer City.
- 28. The Owner shall, in conjunction with Block 57 on registered plan 33M-610, grade, service and seed Block 55 within one year of registration of the plan, to the satisfaction of the General Manager of Planning and Development <u>City</u>.
- 29. The Owner shall fence the boundary between lots adjacent to open space areas conveyed to the City with a 1.5m high chain link fencing without gates in accordance with SPO4.8 or approved alternate. Fencing shall be completed, to the satisfaction of the General Manager of Planning and Development City, within one year of the registration of the plan.

## **Open Space**

30. In conjunction with the Design Studies submission, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision to identify potential candidate species to be transplanted or retained where grading and site plan requirements permit, with emphasis on in situ preservation of trees where possible and the relocation of as many healthy specimens to areas contiguous with the locally significant features and associated buffers. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the General Manager of Planning and

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Development <u>City</u>. The Owner shall incorporate the approved Tree Preservation Plan on the submitted grading plans.

- 31. Within one year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the General Manager of Planning and Development City.
- 32. The Owner shall obtain permit approval from the Upper Thames River Conservation Authority (UTRCA). Should the UTRCA permit result in the need for further redline revisions to lots adjacent to Block 54 and 55, the Owner shall apply to the Approval Authority for further revisions to the draft plan.

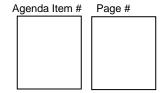
#### **SEWERS & WATERMAINS**

## **Sanitary**

- 33. The Owner shall construct sanitary private drain connections to serve the lots in this plan fronting North Wenige Drive and connect them to the existing 200 mm (8") diameter sanitary sewer on North Wenige Drive, to the satisfaction of the City Engineer and at no cost to the City.
- 34. The Owner shall construct sanitary sewers to serve this plan and connect them to the existing municipal sewer system to service the remaining lots in this plan utilizing the existing 200 mm (8") sanitary stub, which was extended to the north limits of the North Wenige Drive right-of-way from South Wenige Drive.
- 35. If 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.
- 36. Prior to registration of the plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide 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/her 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.
- 37. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
- 38. In conjunction with Design Studies submission, the Owner shall have his consulting engineer provide an analysis of the water table level of the lands within this plan and an evaluation of additional measures, if any, which will need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407. Recommendations from the accepted Design Study shall be implemented satisfactory to the City Engineer.

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- 39. Throughout the duration of construction, the Owner shall undertake measures to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system, 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.
- 33. <u>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:</u>
  - i) Construct sanitary private drain connections to serve the lots in this plan fronting North Wenige Drive and connect them to the existing 200 mm (8") diameter sanitary sewer on North Wenige Drive, to the satisfaction of the City Engineer, and at no cost to the City;
  - ii) Construct sanitary sewers to serve this plan and connect them to the existing municipal sewer system to service the remaining lots in this plan utilizing the existing 200 mm (8") sanitary stub, which was extended to the north limits of the North Wenige Drive right-of-way from South Wenige Drive.
- 34. 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; and
  - 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.
- 35. <u>In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall undertake the following:</u>
  - 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 allow any weeping tile connections into the sanitary sewers within this Plan:
  - iii) Permit 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) Have his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407.
  - v) <u>Implementing any additional measures recommended through the Design Studies stage.</u>
- Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide 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.

#### **Storm and Stormwater Management**

- 40. 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 and at no cost to the City: The Owner shall construct the following to the satisfaction of the City Engineer and at no cost to the City:
  - Storm private drain connections to serve the lots in this plan fronting North Wenige Drive and connect them to the existing 1050 mm (42") diameter storm sewer on North Wenige Drive;
  - b) Storm sewers to serve this plan and external lands and connect them to the existing municipal sewer system to serve the remaining lots in this plan utilizing the existing 750 mm (30") diameter storm sewer stub located on North Wenige Drive, located within the Stoney Creek Subwatershed;
  - c) Storm sewers to serve a portion of this plan, as identified in the revised external storm drainage area plan for 33M-540 and connect them to the existing 750 mm (30") diameter storm sewer on Rollingacres Drive.
- 41. In conjunction with the Design Studies submission, the Owner shall revise the accepted storm drainage area plan to accommodate this Plan and the external lands that were proposed to outlet to Rollingacres Drive in Plan 33M-540 with consideration to minimize the impact on the open space area, and redirect all or part of the flows to the storm sewer on North Wenige Drive, to the satisfaction of the City Engineer, at no cost to the City.
- 42. The Owner shall modify all existing storm servicing works satisfactory to the City Engineer to accommodate storm servicing of this plan and lands external to this plan, to the satisfaction of the City Engineer, at no cost to the City.
- 43. The Owner shall address any decommissioning of any temporary storm servicing works and make arrangements with the City to release any redundant easements and/or transfer new easements to the City, as necessary, to the satisfaction of the City Engineer, at no cost to the City.
- 44. 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.
- 45. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer design and subsequently supervise the construction of the proposed storm/drainage and SWM servicing works, to the satisfaction of the City Engineer and according to the recommendations and requirements of the following:

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- a) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
- b) The Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008), <u>including</u> <u>any minor revisions and/or amendments</u>:
- c) The approved Functional Stormwater Management Plan for Regional SWM Facility 1N;
- d) The storm/drainage and SWM servicing letter/report in accordance with the File Manager process requirement;
- e) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
- f) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
- g) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.
- 46. In conjunction with the Design Studies submission, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands, all to the satisfaction of the City Engineer.
- 47. Prior to the issuance of a Certificate of Conditional Approval, the Owner's professional engineer shall construct and have operational all major and minor storm flow routes for the subject lands, all to the satisfaction of the City Engineer.
- 48. Prior to the issuance of any Certificates of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, the Owner shall construct and have operational all storm/drainage and SWM related works to serve this plan in accordance with the approved design criteria, all to the satisfaction of the City Engineer.
  - Prior to the issuance of any Certificates of Conditional Approval for lots and blocks in this plan or as otherwise approved by the City Engineer, the Owner shall construct and have operation all storm/drainage and SWM related works, including major and minor storm flow routes, to serve this plan in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City.
- 49. 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 subdivision 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.
- 50. In conjunction with the Design Studies submission, the Owner shall promote the implementation of SWM soft measure Best Management Practices (BMP's) within this

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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 conditional within this plan and the approval of the City Engineer.

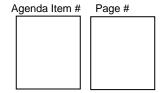
## **Water Mains**

- 51. The Owner shall construct watermains to serve this plan and connect them to the existing municipal system, namely the 200 mm (8") diameter watermain on North Wenige Drive.
- 52. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a water servicing report which addresses the following:
  - a) identify external water servicing requirements;
  - b) confirm capacity requirements are met;
  - c) identify need for 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; and
  - h) 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;
  - c) <u>Identify the effect of development on existing water infrastructure identify potential conflicts:</u>
  - d) Water system area plan(s)
  - e) <u>Water network analysis/hydraulic calculations for subdivision</u> <u>report;</u>
  - f) Phasing report;
  - g) Oversizing of watermain, if necessary and any cost sharing agreements.
  - h) Water quality; and
  - i) 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) <u>make suitable arrangements with Water Operations for the maintenance of the system in the interim.</u>

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.



53. 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.

## Streets, Transportation & Surveys

## Roadworks

- 54. The Owner shall align the centerlines within this draft plan where these streets intersect with the centerline of South Wenige Drive, all to the satisfaction of the City Engineer.
- 55. The Owner shall ensure a minimum curb-line frontage of 5.5 metres (18') between the projected property lines of irregular shaped lots around Rollingacres Place.
- 56. The Owner shall ensure that all streets in the subdivision have centerline radii which conform to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivision".
- 57. The Owner shall have its professional engineer design and the Owner shall construct Rolllingacres Place to have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19.0 metres (62') south of Lots 21 to North Wenige Drive, 18.0 metres (59') north of Lot 21 to Block 55, and south of Block 55 to the corner of Lot 21, and 15.5 metres (47.6') along the frontage of Block 55.

## Sidewalks/Bikeways:

58. The Owner shall construct a 1.5 metre (5') sidewalk on one side of Rollingacres Place, on the outside of the boulevard fronting Lots 22-43, in Block 55 within 1.0 metre of the road allowance, fronting Lots 15-21, flankage of Lot 1 and fronting Lots 2 to 14 on North Wenige Drive.

The Owner shall construct a 1.5 metre (5') sidewalk on one side of Rollingacres Place, on the outside of the boulevard fronting Lots 22-43, in Block 55 within 1.0 metres of the road allowance, fronting Lots 15-21, and the flankage of Lots 1 and 21.

## Construction Access/Temporary/Second Access Roads: Work on existing streets:

59. 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.

## **GENERAL CONDITIONS**

60. 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

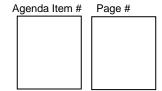
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requirements shall be satisfactory to the City Engineer.

- 61. 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.
- 62. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications and satisfaction of the City Engineer.
- 63. 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.
- 64. 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.
- 65. 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:

- a) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City;
- b) The Owner must provide a video inspection on all affected unassumed sewers;
- c) Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.
- 66. 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:
  - a) Commence upon completion of the Owner's service work connections to the existing unassumed services; and
  - b) Continue until the time of assumption of the affected services by the City.
- 67. 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.
- 68. 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.

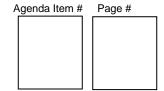
If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City immediately, and if required by the City, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City. 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 shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City 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 and review for the duration of the approval program.

- 69. 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.
- 70. 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.
- 71. 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.
- 72. 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".
- 73. 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.
- 74. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 75. 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 Engineer.
- 76. The Owner shall make any adjustments to existing services e.g. street lights, fire

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hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern on North Wenige Drive, to the satisfaction of the City Engineer, at no cost to the City.

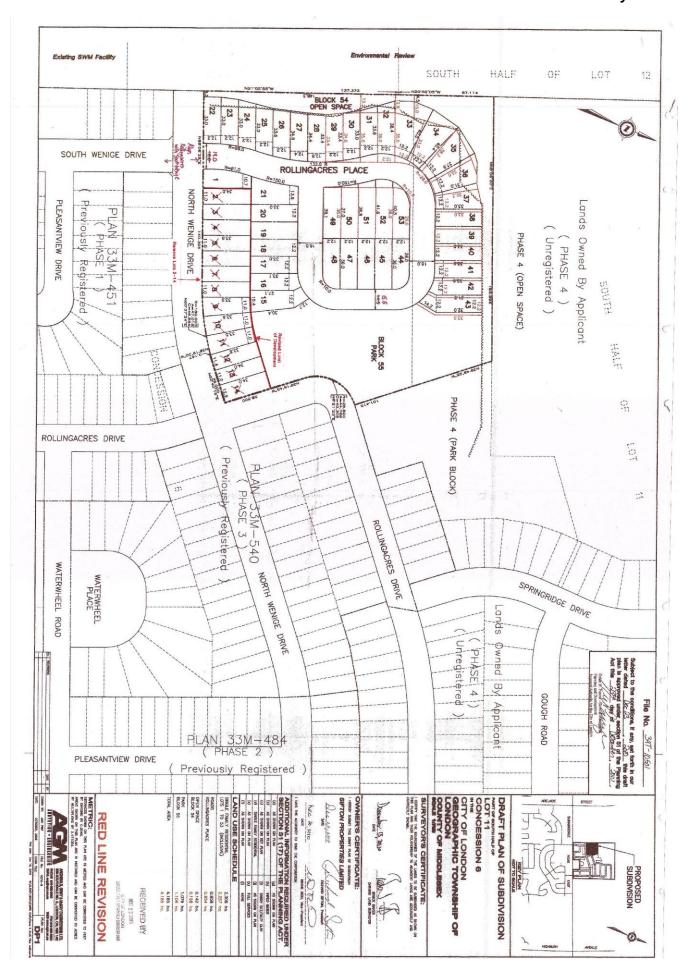
- # In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following, and to the satisfaction of the City:
  - i) Identifying 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) <u>Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;</u>
- # 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 all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability, if necessary, and ensure they are adequately addressed for the subject lands, to the satisfaction of the City;
  - 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
  - <u>iv) Address forthwith any deficiencies of the stormwater works and/or monitoring program.</u>
- # 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.
- # In conjunction with the submission of detailed design drawings, the Owner shall have his professional engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with a minimum 30.0 metres tapers (eg. from 19.0 m to 18.0 m road width) all to the satisfaction of the City Engineer. The roads shall be tapered equally aligned based on the alignment of the road centerlines.
- # The Owner shall utilize construction access routes designated by the City.
- # 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.
- # In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the non-standard (eg. 15.5 metre right-of-way) portion of Rollingacres Place, adjacent to Bock 55 in this plan, to the City for review and



<u>acceptance with respect to road geometries, bends, sidewalks and municipal and utility infrastructure.</u>

- # 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.
- # This plan shall be registered and developed in one phase.
- # 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.
- # 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.
- # The Owner shall make all necessary arrangements with the abutting property owners to regrade on the abutting properties, where necessary, to accommodate the grading and servicing of this plan to City standards, to the satisfaction of the City.
- # 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.
- # The Owner shall design and install street light poles and luminaires, along the street being extended in accordance with this draft plan of subdivision and where a street from an abutting development or developing area is being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City.
- # 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 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.
- # In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of this subdivision, road pavement structure, dewatering and any other requirements as needed by the City.

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## Schedule "B"

## **Related Estimated Costs and Revenues**

Estimated Costs – This Draft Plan	
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 Draft Plan (2013 rates)	
CSRF	\$731,387
UWRF	\$284,402
Total	\$1,015,789

- 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. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on 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 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