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**Draft Approval Extension 39T-00510  
Alanna Riley**

<b>FROM:</b>	<b>G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>OLIVER AND ASSOCIATES REALTY INC. 3557 COLONEL TALBOT ROAD 39T-00510 – NORTH LAMBETH SUBDIVISION EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON MAY 28, 2013</b>

<b>RECOMMENDATION</b>
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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 Oliver and Associates Realty Inc., File No. 39-00510, relating to the property located at 3557 Colonel Talbot Road:

- a) The Approval Authority **BE ADVISED** that Municipal Council **SUPPORTS** a six (6) month extension of draft approval for draft approved plan 39T-00510 submitted by Oliver and Associates Realty Inc., **SUBJECT TO THE PREVIOUSLY IMPOSED CONDITIONS.**

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The effect of the recommendation is to allow for a further six (6) month extension of draft approval for the North Lambeth subdivision.

<b>BACKGROUND</b>
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The original Oliver and Associates Inc. Draft Plan of subdivision application, comprising a 18.86 hectare (46.6 ac.) parcel of land located on the west side of Colonel Talbot Road, between Diane Crescent and Pack Road, was accepted on June 27, 2000. It was circulated to the required agencies on July 10, 2000. On August 2, 2001, the applicant submitted a revised draft plan. The revised draft plan was circulated to required agencies on August 22, 2001. A notice of Public Meeting was sent out to area property owners on November 22, 2001. The Public Meeting was held on December 10, 2001. The applicant submitted revised draft plans in 2002 and 2004.

The revised subdivision application was draft approved on November 25<sup>th</sup>, 2004 and there were no appeals to this decision. An extension request was subsequently granted on November 22, 2007. To date, two phases of the original draft plan have been registered (33M-461, 33M-524). The final phase remaining to be registered shows 23 single detached residential lots an open space block and a walkway block.

On October 13, 2010, Oliver and Associates Inc. requested an extension of three years to the November 26, 2010 draft approval expiry period. A six (6) month extension was granted by the Approval Authority in accordance with Section 2.2(p) of the Subdivision and Condominium Delegation and Approval By-law. On May 12, 2011, an extension of 18 months was granted to the draft approval, resulting in an expiry date of November 30, 2012. On November 22, 2012, an emergency extension was granted for six (6) months resulting in a lapse date of May 30, 2013. A request for a further 2 month extension was received by the City on May 15<sup>th</sup>, 2013 and the

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Approval Authority granted a 15 day extension in order to allow sufficient time to obtain Council's position on this matter.

The subdivision agreement has recently been signed and returned to the City. The final plan is currently being prepared for review by the Registry Office and should be available for approval within the next few weeks. An extension of six 6 months will allow adequate time within which to complete the final approval and plan registration process.

A six (6) month emergency extension is being recommended, resulting in a new lapse date of November 30, 2013. No other changes are proposed to the previously approved draft plan and conditions. The Conditions of Draft Approval are attached as Appendix 39T-00510-1.

<b>CONCLUSION</b>
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A six (6) month extension to the lapse date of Draft Plan 39T-00510 is appropriate as it will provide sufficient time to progress this plan of subdivision to final approval.

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
<b>ALANNA RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES</b>	<b>ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

May 17, 2013  
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"Attach."

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LOCATION MAP

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**Appendix 39T-00510-1**



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13. 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 the 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.
14. The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The owners consulting engineer shall have these requirements established and approved by the City Engineer, prior to any work on the site.
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 the Environment, 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, private domestic or farm wells in the area and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, 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 the 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 Engineer, at no cost to the City.
17. The Owner shall pay cash-in-lieu for all of the units/lots pursuant to the City of London By-law CP-9.
18. Within 6 months of the date of registration of the plan of subdivision the Owner shall sell Block "B" (as red line revised) to the City at the hazard lands rate of \$13,728 per hectare, in accordance with By-law C.P.-9.
19. The Owner shall prepare, and deliver to the all homeowners adjacent to Block B 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 Director of Development Planning.
20. Prior to the submission of engineering drawings, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise between Block 50 and lot 49, and to apply alternative site design and noise abatement measures that do not include a continuous noise attenuation wall. Any noise attenuation feature to protect outdoor amenity space will not extend closer to the front yard than the rear façade

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- of the building. Such measures shall be in accordance with the requirements of the M.O.E. to be reviewed and accepted by the Director of Development Planning. The final accepted recommendations shall be incorporated into the subdivision agreement with the City of London.
21. The Owner shall not grade into any open space area without the approval of the Upper Thames River Conservation Authority. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Managing Director, Development Approvals Business Unit.
  22. In conjunction with Design Studies submission, 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.
  23. Prior to the issuance of any Certificates of Conditional Approval for this Plan, the Owner shall construct and have operational the major and minor storm flow routes and all sewer services for the subject lands, to the satisfaction of the City Engineer.
  24. In conjunction with Design Studies submission, the Owner's professional engineer shall identify major and minor storm flow routes for the subject lands, to the satisfaction of the City Engineer.
  25. 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, 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.
  26. In conjunction with Design Studies submission, the Owner shall have it's professional engineer provide a water servicing report that provides confirmation that the main sizing will be adequate to service 3493 Colonel Talbot Road to the north and which addresses the following:
    - i) Identify external water servicing requirements;
    - ii) Confirm capacity requirements are met;
    - iii) Identify need to 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 watermain - cost sharing agreements.
  27. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City of London until required for the future production of such road allowance.
  28. The Owner shall require all construction vehicles for all phases to access the site via Clayton Walk.

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29. The Owner shall install and maintain signs indicating construction and commercial vehicles are not to access the subdivision from Diane Crescent or Malpass Road.
30. The Owner shall provide traffic calming circles at the following intersections to the satisfaction of the City Engineer:  
 Clayton Walk and Street B  
 The applicant will re-lot the subdivision to accommodate the traffic calming circles. The traffic calming measures selected for these locations are subject to the approval of the Transportation Planning & Design Division and are to be designed and constructed to the satisfaction of the City Engineer.
31. Prior to any work on the 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.
32. The Owner shall ensure that the existing south tributary/open watercourse will be maintained as an open watercourse within this plan and shall comply with all applicable acts, maintain the existing hydrologic conditions and will have no adverse impacts on adjacent and downstream properties. Any functional SWM plan for the South Tributary must be consistent with the Stormwater Management Plan and the Dingman Creek Subwatershed Study (2005) criteria and environmental targets, all to the satisfaction of the City Engineer.
33. The Owner shall construct a 1.5 metre chain link fence with no gates along the rear lot lines of lots 21, 22, 23, 32, 33 and 34 adjacent to the open space on Block B.
34. The Owner shall construct watermains to serve Lots 21 to 27 and Lots 54 to 58 and connect them to the existing municipal watermain system, namely, the existing 200 mm (8") diameter watermain on Clayton Walk.  
  
 The Owner shall construct watermains to serve Lots 28-34 and Lots 50-53 to the existing 150 mm (6") diameter stubbed watermain on Street 'B'. The existing stubbed 150 mm (6") diameter watermain on Street 'B' is to be connected to the existing 200 mm (8") diameter watermain on Clayton Walk and extended to the south limit of Street 'B'.
35. Prior to final approval, the Owner shall advise the Approval Authority in writing how all the conditions have been met.
36. In conjunction with the Design Studies submission, the Owner shall have its consulting engineer provide a proposal to create sufficient capacity in both the Southwinds Pumping Station and downstream sewers. If the proposal is acceptable to the City, the design and construction of any required works shall be at the Owner's cost and at no cost to the City.

Prior to registration of this plan, the Owner shall obtain consent from the City to reserve capacity at the Oxford Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City 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

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- sewer, as determined by the City. 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 construct the proposed sanitary sewers to serve this plan and connect them to the existing municipal sewer system, namely, the 200 mm (8") sanitary sewer at the intersection of Street 'B' and Clayton Walk.
  38. The Owner shall construct sewers within this plan at an appropriate size and depth to accommodate flow from upstream lands which are tributary to this system and external to this plan.
  39. 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.
  40. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
  41. 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 and after construction, satisfactory to the City Engineer, at no cost to the City.
  42. Following construction, the Owner shall have it's consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407. Also, if requested, the Owner shall permit the City to undertake smoke testing of the system at any time prior to assumption of the subdivision.
  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.
  44. The Owner shall construct the proposed storm sewers to serve this plan, located within the Dingman Creek Subwatershed, and connect them to the existing municipal sewer system, namely, the 525 mm (21") storm sewer stub on south of the intersection of Clayton Walk and Street 'B'.
  45. The Owner shall have its consulting professional engineer design and subsequently construct proposed storm/drainage servicing works for the subject lands, all to the satisfaction and specification of the City Engineer and according to the requirements of the following:
    - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study;
    - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
    - iii) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
    - iv) The Ministry of the Environment SWM Practices Planning and Design Manual; and
    - v) Applicable Acts, Policies, Guidelines, Standards and Requirements of all relevant SWM agencies.



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46. 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 stormwater management (SWM) works, including major and minor storm flow routes, shall be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
47. The Owner shall have it's professional engineer ensure that all geotechnical issues and required setbacks related to the slope stability associated with the open watercourse that services an upstream catchment, are adequately addressed for the subject lands, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
48. The Owner shall provide security in the amount of \$30,000, or a lesser amount as determined by the City Engineer, to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City Engineer approval procedure and criteria and due to the close proximity of the open watercourse. In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used to undertake all necessary clean up work for the North Lambeth SWMF, all to the satisfaction of the City Engineer.
49. In conjunction with the Design Studies submission, the Owner shall have it's 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.
50. The Owner shall have it's professional engineer design the roadworks in accordance with the following road widths:
  - i) Street 'B' has a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').
51. 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.
52. 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.
53. 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 Managing Director, Development Approvals Business Unit and the City Engineer.
54. 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.

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55. 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.
56. 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, at no cost to the City.
57. The Owner shall make minor boulevard improvements on Colonel Talbot Road adjacent to this Plan, to the specifications of the City and at not cost to the City, consisting of clean-up, grading and sodding as necessary.
58. The Owner shall have the common property line of Colonel Talbot Road 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 Colonel Talbot Road are the future centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property line which will blend with the reconstructed road, all to the satisfaction of the City.

59. 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;

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

60. 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, 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.

61. 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.

62. 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

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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.

63. In conjunction with the Design Studies submission, the Owner shall have it's 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.
64. 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.
65. 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".
66. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
67. 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.
68. 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 of the City Engineer.
69. The Owner shall remove all existing accesses and restore all affected areas, if necessary, all to the satisfaction of the City, at no cost to the City.
70. The Owner shall install all servicing for the lots in this plan fronting Clayton Walk, including restoration, all to the satisfaction of the City, at no cost to the City.
71. The Owner shall make any adjustments to existing services eg. street lights, fire hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern and servicing on Clayton Walk, to the satisfaction of the City, at no cost to the City.

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72. In conjunction with the Design Studies submission, the Owner shall revise the water servicing report to show the new watermain layout and to ensure appropriate sizing of the watermain on Street 'B'.
73. The Owner shall reinstall any water services that have already been installed and not in City Standard location due to relotting of the development. The Owner shall cap these water services at the watermain and reinstall to City standard, at no cost to the City.
74. The Owner shall construct a cul-de-sac on Street 'B' in accordance with 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.
75. The Owner shall dedicate a 3.0 metre wide walkway from Clayton Walk to Block "B" and construct a hard-surfaced walkway at no cost to the City, to the specifications and satisfaction of the Director of Development Planning.
76. The Owner shall within 90 days of draft approval, submit a proposed name for Street 'B', to the Director of Development Planning.
77. Prior to final approval the Owner shall complete and submit an application for rezoning, to remove the R4-1 Zone from the lots located east of Street "B"/Isaac Drive.
78. Prior to submission of the design studies, the Owner shall confirm the delineation of the Maximum Hazard Line to precisely define the boundary between Block "B" and the residential lots to the north, in accordance with policies of the Official Plan and to the satisfaction of the Upper Thames River Conservation Authority.
79. Pursuant to Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permit/approvals from the Upper Thames Conservation Authority prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.