

Appendix “A”

Conditions of Draft Approval
Plan of Subdivision 19TN 2021 001
1038 & 1040 Jacarandah Drive

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE OF REGISTRATION OF PLAN OF SUBDIVISION 19TN 2021 001 ARE AS FOLLOWS:

General and Standard Conditions

- (1) That draft approval shall relate to the draft plan of subdivision prepared by Evans Planning, dated February 27, 2021 showing 1 Block.
- (2) The Owner acknowledges that the road and lot fabric on the private block as shown in the supporting documents to the draft plan application is conceptual only and has no approval status and that the block will be subject to the Town's Site Plan Approval Process. The Owner agrees to provide a Traffic Report as part of the Site Plan materials which reviews traffic volumes, makes recommendations on the road layout for each block, reviews road connection locations to the public roads and any recommends any traffic control measures required.
- (3) The Owner agrees to create one Condominium Corporation for the development on the Block. This Condominium Corporation will be responsible for the ownership and maintenance of the storm and sanitary sewers servicing these Blocks.
- (4) The Owner shall in the site plan agreement be responsible for all costs to design a paved pedestrian connection from Jacarandah Drive to the proposed private road.
- (5) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the Planning Act.
- (6) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it may be necessary to amend or revise the other conditions of draft approval accordingly.
- (7) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the

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satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.

- (8) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (9) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (10) The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the Planning Act. The Holding provisions of Section 36 of the Planning Act may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the Planning Act. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:
 - (a) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;
 - (b) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;
 - (c) All necessary approvals have been received from all other agencies and/or government bodies;
- (11) That the Owner agrees in the subdivision agreement to provide confirmation to the Town of Newmarket that an affordable housing contribution has been provided or that written confirmation has been provided to the town meeting the affordable housing policies in accordance with the Town's Official Plan; and,
- (12) The Owner agrees in the subdivision agreement that easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.

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- (13) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.
- (14) The Owner shall agree in the Subdivision Agreement that the block is to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the Subdivision Agreement that the balance of lands subject to later phases of development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.
- (15) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape, boulevard planting, pedestrian linkages, bicycle paths, entrance features and architectural compatibility within the development and with adjacent development.
- (16) Prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a professional consulting engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site, including overland flow routes, storm drainage outlets and any other stormwater management techniques that may be required in accordance with the Provincial "Stormwater Quality Best Management Practices", the "Stormwater Management Practices Planning and Design Manual" and as outlined in the reports submitted in support of the draft plan application. The report shall address both water quantity and quality, particularly the impact of the proposed stormwater management techniques on the water quality of receiving waters as it relates to fish and fish habitat. In addition, the report or reports shall detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and to maintain all stormwater

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management and erosion and sedimentation control structures operating and in good repair, during the construction period, in a manner satisfactory to the Town of Newmarket.

- (17) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the function of the area and that the area will be left in its natural state to contribute to that function.
- (18) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (19) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (20) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Vibration Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.
- (21) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any

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Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.

- (22) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, and the Region of York, any additional studies as may be required.
- (23) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (24) Such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (25) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction of the Director Engineering Services, planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature. Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods

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shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (26) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermain, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (27) The Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the Owner shall agree in the Subdivision Agreement that no building permits will be issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.
- (28) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (29) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement. The Owner shall agree in the subdivision agreement to make available to all prospective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
 - (a) the latest version of the approved draft plan;
 - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate

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representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;

- (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and
- (d) any other requirements as may be set out in the Subdivision Agreement.

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (30) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time. Servicing allocation will be granted on a phased basis.
- (31) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
 - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
 - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area revegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (32) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:

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- (a) Mail from a Community Mailbox;
 - (b) Street trees;
 - (c) Traffic Calming Measures;
 - (d) Lots fronting on a collector road;
 - (e) Transit Routes;
 - (f) Temporary Cul-de-sacs and Turning Circles;
 - (g) Stormwater Management Facilities;
 - (h) Subdivision Design Features and Landscaping Features and/or Special Features
 - (i) Noise;
 - (j) Extended Footings and Engineered Fill;
 - (k) Lot Grading and Preservation of Existing Vegetation; and
 - (l) Carbon Monoxide Detectors.
- (33) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special fencing, other special features or devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks. The Owner agrees to provide adequate privacy fencing on the South and West side of the subject property.
- (34) The Owner agrees to provide adequate privacy fencing on the South and West side of the property.

Lake Simcoe Region Conservation Authority Conditions

- (35) That this approval is applicable to the Draft Plan of Subdivision prepared by Evans Planning dated February 27, 2021 and may be subject to redline revisions based on the detailed technical plans and studies.
- (36) That prior to final plan approval and any major site alteration, the following shall be prepared to the satisfaction of the LSRCA and Municipality:

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- (a) A detailed Stormwater Management Report in accordance with Lake Simcoe Region Conservation Authority Technical Guidelines for Stormwater Management Submissions.
 - (b) A detailed erosion and sediment control plan;
 - (c) A detailed grading and drainage plan;
 - (d) A detailed water balance and phosphorus budget in concert with 4.8-DP of the Lake Simcoe Protection Plan and 6.40-DP of the Lake Simcoe Protection, Plan if applicable;
 - (e) A Detailed Low Impact Development (LID) Evaluation demonstrating the means to maximize the use of LID measures consistent with Policy 1.6.6.7 of the Provincial Policy Statement (2020).
- (37) That prior to final approval, the following shall be undertaken to the satisfaction of the LSRCA, in accordance with the South Georgian Bay Lake Simcoe Source Protection Plan:
 - (a) Detailed Hydrogeological Report / Water Balance
 - (b) Compensatory Measures, if required
- (38) That the Owner shall agree in the Subdivision Agreement to carry out, or cause to be carried out, the recommendations and requirements contained within the plans and reports as approved by the LSRCA and the Municipality.
- (39) That the Owner shall agree in the Subdivision Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans and reports as approved by the LSRCA and the Municipality.
- (40) That the Owner shall agree in the Subdivision Agreement to ensure that proper erosion and sediment control measures will be in place in accordance with the approved Grading and Drainage Plan, and Erosion and Sediment Control Plan prior to any site alteration or grading.
- (41) That the Owner shall agree in the Subdivision Agreement to grant any easements required for storm water management purposes to the Municipality.
- (42) That prior to final plan approval, the Owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the *Conservation Authorities Act*.
- (43) That the Owner shall agree in the Subdivision Agreement to maintain all existing vegetation up until a minimum of 30 days prior to any grading or construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (44) The Owner shall agree in the Subdivision Agreement to indemnify and save harmless the municipality and the LSRCA from all costs, losses, damages, judgements, claims, demands, suits, actions, or complaints resulting from any

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increased flooding or erosion to property and people as a result of the approved storm water management scheme. The Owner shall obtain and maintain in full force and effect during the term of this agreement general liability insurance with respect to the storm water management works and system.

Regional Municipality of York Conditions

- (45) The Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (46) Prior to final approval, the Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the Town of Newmarket:
 - (a) a copy of the Council resolution confirming that the Town of Newmarket has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan, or any phase thereof.
 - (b) a copy of an email confirmation by a Town of Newmarket staff member stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
- (47) The Owner shall provide an electronic set of final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services branch and the Infrastructure Asset Management branch for record.
- (48) The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- (49) The Owner shall enter into an agreement with York Region, to satisfy all conditions, financial and otherwise, and state the date at which development charge rates are frozen, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

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Canada Post

- (50) The Owner/developer shall communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- (51) The Owner/developer shall include in all offers of purchase and sale a statement, which advises the prospective new home purchaser/tenants that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners/tenants of any established easements granted to Canada Post.
- (52) The Owner/developer shall officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

Rogers Communication

- (53) The Owner shall agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the “**Communications Service Providers**”) to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.
- (54) The Owner shall agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.
- (55) The Owner shall agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
- (56) The Owner shall agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

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Bell Canada

- (57) The Owner shall convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- (58) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”
- (59) The Owner shall contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- (60) The Owner shall provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

Newmarket Hydro

- (61) Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such lands and/or easements as may be required, at no cost and free from encumbrance.

Other

- (62) Final approval for registration may be issued in phases provided that:
 - (a) phasing is proposed in an orderly progression; and
 - (b) all agencies agree to registration by phases and provide clearances as required in Conditions 61 to 69 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (63) The Town of Newmarket shall advise that Conditions 1 to 34 inclusive have been satisfied.

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- (64) The Lake Simcoe Region Conservation Authority shall advise that Conditions 35 to 44 inclusive have been satisfied.
- (65) The York Region shall advise that Conditions 45 to 49 inclusive have been satisfied.
- (66) Canada Post shall advise that Conditions 50 to 52 inclusive have been satisfied.
- (67) Rogers Communications shall advise that Condition 53 - 56 has been satisfied.
- (68) Bell Canada shall advise that Condition 57 - 60 has been satisfied.
- (69) Newmarket Hydro shall advise that Condition 61 has been satisfied.

ISSUED at Newmarket this day of 2023.

Jason Unger, M.C.I.P., R.P.P.

Director of Planning and Building Services

Notes:

- 1. Where Final Approval for registration has not been given within three years after the date upon which approval to the proposed plan of subdivision was given, the Town of Newmarket may, at its discretion, and pursuant to the Planning Act, r.s.o. 1990, withdraw its approval to this proposed plan of subdivision, unless approval has been sooner withdrawn, but the Town of Newmarket may from time to time extend the duration of the approval.**

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- 2. The LSRCA will require the following prior to the issuance of a clearance letter:**
 - a. A copy of the executed subdivision agreement.**
 - b. A copy of the draft M-Plan.**
 - c. A letter from the developer’s planning consultant detailing how each LSRCA condition of draft plan approval has been fulfilled to the satisfaction of the conservation authority.**