



TOWN OF INNISFIL

PRE-DEVELOPMENT
AMENDING AGREEMENT No. 1

BETWEEN:

THE CORPORATION OF THE TOWN OF INNISFIL

“Town”

– and –

KIMVAR ENTERPRISES INC.

1247549 ONTARIO INC.

1638545 ONTARIO INC.

BAYSIDE VILLAGE DEVELOPMENTS INC.

DAROMTEL ENTERPRISES INC.

“Developer”

Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

Tel: 705-436-3710
Fax: 705-436-7120

PRE-DEVELOPMENT AMENDING AGREEMENT NO. 1

THIS AGREEMENT MADE this 1st day of November, 2010.

B E T W E E N:

KIMVAR ENTERPRISES INC.

1247549 ONTARIO INC.

1638545 ONTARIO INC.

BAYSIDE VILLAGE DEVELOPMENTS INC.

DAROMTEL ENTERPRISES INC.

(Hereinafter called the "Developer")

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF INNISFIL

(Hereinafter called the "Town")

OF THE SECOND PART

WHEREAS the Developer warrants and represents that it is the owner of the lands and premises described in Schedule "A" attached hereto (hereinafter called the "Lands");

AND WHEREAS the Developer and the Town have entered into a Pre-Development Agreement dated January 27, 2010 (hereinafter called the "Pre-Development Agreement"), notice of which was registered on title to the Lands in the Land Registry Office of the Land Titles Division of Simcoe (No. 51) on March 2, 2010 as Instrument Number SC804287;

AND WHEREAS the Developer warrants and represents that there are no encumbrances of the Lands, save and except mortgages in favour of Optus Capital Corporation and HSBC Bank Canada, any registered municipal agreements and registered agreements with publically regulated utilities, any minor easements for the supply of domestic utility or telephone services to the Lands or adjacent properties, any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, or other services;

AND WHEREAS the terms of the Pre-Development Agreement contemplate that the Pre-Development Agreement shall be amended from time to time to facilitate additional activities contemplated by the Pre-Development Agreement as such additional activities are approved by the Town;

AND WHEREAS the administrative authority to amend the Pre-Development Agreement, on behalf of the Town, from time to time to facilitate those additional activities contemplated in the Pre-Development Agreement has been delegated to the Chief Administrative Officer (or his designate);

AND WHEREAS the parties to the Pre-Development Agreement hereby wish to amend the terms and conditions of the Pre-Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the covenants herein contained and other good and valuable consideration and the sum of ONE DOLLAR (\$1.00) of lawful money of Canada now paid by each of the parties hereto to each of the other parties hereto (receipt whereof is hereby acknowledged) the parties hereto hereby covenant, promise and agree with each other as follows:

1. The Developer hereby consents to the registration of this Agreement upon the Lands and hereby acknowledges that the same constitutes a first lien upon the Lands (not subject to any other liens and encumbrances) save and except any registered municipal agreements and registered agreements with publicly regulated utilities, any minor easements for the supply of domestic utility or telephone services to the Lands or adjacent properties, any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, or other services, as security for any financial obligation of the Developer pursuant to this Agreement. The said lien shall be enforceable upon a judgment or order of any court and all or any part of the Lands may be realized as security for such lien in the same manner as if the Town was enforcing its rights as a mortgagee under a mortgage.
2. Schedule "C" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "C" attached to this Agreement as Schedule "B".
3. Schedule "E-1" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "E-1" attached to this Agreement as Schedule "C".
4. Schedule "E-2" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "E-2" attached to this Agreement as Schedule "D".
5. Schedule "F-1" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "F-1" attached to this Agreement as Schedule "E".
6. Schedule "F-2" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "F-2" attached to this Agreement as Schedule "F".
7. Schedule "H-1" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "H-1" attached to this Agreement as Schedule "G".
8. Schedule "H-2" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "H-2" attached to this Agreement as Schedule "H".
9. Schedule "J" of the Pre-Development Agreement is hereby deleted in its entirety and replaced with the Schedule "J" attached to this Agreement as Schedule "I".
10. Schedule "K" of the Pre-Development Agreement is hereby amended by adding the Schedule "J" attached to this Agreement immediately following the last page of the existing Schedule "K".
11. All of the other terms of the Pre-Development Agreement shall remain in full force and effect and the Developer agrees to comply with all conditions as set out therein in addition to those set out in this Agreement.
12. This Agreement shall be binding upon the parties in the same manner as set out in Sections 2.3 and 6.9 of the Pre-Development Agreement.
13. This Agreement may be simultaneously executed in several counterparts each of which when so executed shall be deemed to be an original and such counterparts together shall constitute but one and the same instrument.
14. The Developer shall obtain from each mortgagee having a registered Charge on title to the Lands and register on those titles, a postponement of each such Charge in favour of this Agreement so that this Agreement has the priority described in Section 1.

IN WITNESS WHEREOF the parties hereto have set their hands and seal and the Township has hereunto caused its Corporate Seal to be affixed, duly attested by the hands of its proper signing officers.

SIGNED, SEALED AND DELIVERED)
In the presence of)

Authorized to be executed by)
By-law No. 012-10 passed)
on the 27th day of January, 2010.)

THE CORPORATION OF THE
TOWN OF INNISFIL

Per: _____
John Skorobohacz
Chief Administrative Officer

KIMVAR ENTERPRISES INC.

Per: _____
Name: Barry Feiner
Title: President

I have authority to bind the
Corporation.

1247549 ONTARIO INC.

Per: _____
Name: Barry Feiner
Title: President

I have authority to bind the
Corporation.

1638545 ONTARIO INC.

Per: _____
Name: Barry Feiner
Title: President

I have authority to bind the
Corporation.

BAYSIDE VILLAGE DEVELOPMENTS
INC.

Per: _____
Name: Barry Feiner
Title: President

I have authority to bind the
Corporation.

DAROMTEL ENTERPRISES INC.

Per: _____
Name: Barry Feiner
Title: President

I have authority to bind the
Corporation.

SCHEDULE "A"

Legal Description of the Lands

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Innisfil, in the County of Simcoe, being composed of:

Firstly:

PIN 58085-0096 (LT)

Lots 1 & 2 Plan 1021, Part of Lot 29, Concession 13, Part of Lot 30, Concession 13, being Parts 1 & 2 Plan 51R-18899, except Lots 72 to 77, Plan 1139, subject to IN20365, subject to RO1196201, subject to RO1218422.

Owner: Kimvar Enterprises Inc.

Secondly:

PIN 58085-0361 (LT)

Part of Lot 27, Concession 13, being Part 1 Plan 51R-35975.

Owner: 1247549 Ontario Inc.

Thirdly:

PIN 58085-0363 (LT)

Part of the South Half of Lot 27, Concession 13, being Part 1 Plan 51R-35980.

Owner: 1638545 Ontario Inc.

Fourthly:

PIN 58085-0362 (LT)

Part Lot 29, Concession 13, being Part 1 Plan 51R-35978.

Owner: Bayside Village Developments Inc.

Fifthly:

PIN 58085-0364 (LT)

Part of Lot 28, Concession 13, being Part 2 Plan 51R-35980.

Owner: 1638545 Ontario Inc.

Sixthly:

PIN 58085-0365 (LT)

Part of Lot 28, Concession 13, being Part 3 Plan 51R-35980.

Owner: 1638545 Ontario Inc.

Seventhly:

PIN 58085-0367 (LT)

Part of Lot 28, Concession 13, being Parts 1 & 3 Plan 51R-36243, subject to an easement over Part 3 Plan 51R-36243 as in IN19026.

Owner: Daromtel Enterprises Inc.

Eighthly:

PIN 58085-0368 (LT)

Part of Lot 28, Concession 13, being Part 2 Plan 51R-36243.

Owner: Daromtel Enterprises Inc.

Ninthly:

PIN 58085-0369 (LT)

Part of Lots 26 & 27, Concession 13, being Part 1 Plan 51R-36664.

Owner: Bayside Village Developments Inc.

SCHEDULE “B”

SCHEDULE “C”

Plans and Specifications

Plans and Specifications for Schedule E-1

Stage 1A Tree Clearing

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Tree Clearing Construction Methodology	January 12, 2010	SCS Consulting Group Ltd.	January 14, 2010
Tree Clearing Plans TC-0 through TC-8	January 6, 2010	Schollen & Company Inc.	January 14, 2010
Tree Removal and Control Plan 1 – Stage 1A and Stage 1B 701A	December 2009, stamped January 13, 2010	SCS Consulting Group Ltd.	January 14, 2010
Tree Removal and Control Plan 2 – Stage 1A and 1B 702A	December 2009, stamped January 13, 2010	SCS Consulting Group Ltd.	January 14, 2010
Tree Inventory and Assessment Report – Appendix A	January 6, 2010	Schollen & Company Inc.	January 14, 2010
Tree Inventory and Assessment Plans TA7 and TA-4B	January 6, 2010	Schollen & Company Inc.	January 14, 2010
Temporary Edge Buffering Plan EP-6A	August 2009, stamped January 7, 2010	Schollen & Company Inc.	January 14, 2010
Erosion and Sediment Control Plan Details – Plan 705	January 8, 2010	SCS Consulting Group Ltd.	January 14, 2010
Monitoring strategies: <ul style="list-style-type: none">• Ecological Monitoring Program Matrix• Monitoring Program Matrix Tree Removal Operations Stage 1A and 1B• Tree Clearing Monitoring Program Matrix – Tree Clearing Stage 1A	<ul style="list-style-type: none">• December 21, 2009, revised January 6, 2010• January 2010• January 6, 2010	<ul style="list-style-type: none">• Beacon Environmental• SCS Consulting Group Ltd.• Schollen & Company Inc.	<ul style="list-style-type: none">• January 14, 2010• January 14, 2010• January 14, 2010

**Stage 1B/1B-2 Tree Clearing and
Construction of Amphibian Enhancement Area #1**

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stage 1B/1B2 Tree Clearing and Grubbing & Construction of Amphibian Enhancement Area #1 Construction Methodology	October 20, 2010	SCS Consulting Group Ltd.	October 22, 2010
Tree Clearing Plan – North Golf Course Edge at Golf Holes 16-18 – Drawing TC-5	September 27, 2010	Schollen & Company Inc.	October 22, 2010
Enhancement Area No. 1 Berm Construction Plan	October 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan 1 – Stage 1 – Drawing 701	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan 2 – Stage 1 – Drawing 702	September 29, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan Details – Drawing 705	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Tree Removal Control Plan 1 – Stage 1A, 1B and 1C – Drawing 701A	May 6, 2010	SCS Consulting Group Ltd.	October 22, 2010
Tree Removal Control Plan 2 – Stage 1A, 1B and 1C – Drawing 702A	October 12, 2010	SCS Consulting Group Ltd.	October 22, 2010
<p>Monitoring Strategies:</p> <ul style="list-style-type: none"> • Ecological Monitoring Program Matrix • Monitoring Program Matrix, Stages 1A and 1B Grubbing and Golf Course Topsoil Stripping (Outside of treed areas) • Tree Clearing Monitoring Program Matrix, Tree Clearing Stages 1A, 1B and 1B2 	<ul style="list-style-type: none"> • October 19, 2010 • October, 2010 • October 13, 2010 	<ul style="list-style-type: none"> • Beacon Environmental • SCS Consulting Group Ltd. • Schollen & Company Inc. 	<ul style="list-style-type: none"> • October 22, 2010 • October 22, 2010 • October 22, 2010

Stage 1C Tree Clearing

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Construction Management Plan (Tree Clearing Methodology)			
Tree Clearing Plan			
Erosion and Sedimentation Control Plan			
Landscape Plan			
Monitoring Strategies			

Plans and Specifications for Schedule F-1 (Grading and Grubbing)

Stage 1A Grubbing/Stump Removal

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stage 1A Grubbing/Stump Removal, and Topsoil Stripping of Golf Course (outside treed area) Construction Methodology	May 6, 2010	SCS Consulting Group Ltd.	July 22, 2010
Erosion and Sediment Control Plan Report – Stage 1	May 6, 2010	SCS Consulting Group Ltd.	July 22, 2010
Tree Removal Control Plan 1 – Stage 1A, 1B and 1C – Drawing 701A	May 6, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan 1 – Stage 1 – Drawing 701	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan Details – Drawing 705	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Monitoring Strategies: <ul style="list-style-type: none"> • Hydrogeological Monitoring Program 	July 14, 2010	<ul style="list-style-type: none"> • Golder Associates Limited (GAL) 	July 22, 2010

Stage 1B/1B-2 Grubbing/Stump Removal

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stage 1B/1B2 Tree Clearing and Grubbing & Construction of Amphibian Enhancement Area #1 Construction Methodology	October 20, 2010	SCS Consulting Group Ltd.	October 22, 2010

Erosion and Sediment Control Plan 1 – Stage 1 – Drawing 701	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan 2 – Stage 1 – Drawing 702	September 29, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan Details – Drawing 705	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Monitoring Strategies: <ul style="list-style-type: none"> Ecological Monitoring Program Matrix Monitoring Program Matrix, Stages 1A and 1B Grubbing and Golf Course Topsoil Stripping (Outside of treed areas) 	<ul style="list-style-type: none"> October 19, 2010 October, 2010 	<ul style="list-style-type: none"> Beacon Environmental SCS Consulting Group Ltd. 	<ul style="list-style-type: none"> October 22, 2010 October 22, 2010

Stage 1A/1B/1B-2 Grading

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stormwater Management and Monitoring Plan			
Grading and Drainage Plan			
Geotechnical Report for Stormwater Management Pond			
Erosion and Sedimentation Control Master Plan			
Monitoring Strategies			

Stage 1C Grubbing and Grading

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stormwater Management and Monitoring Plan			
Grading and Drainage Plan			
Geotechnical Report for Stormwater Management Pond			
Erosion and Sedimentation Control Master Plan			
Monitoring Strategies			

Plans and Specifications for Schedule G-1 (Marina Basin Excavation)

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Marina Basin Management Plan			
Marina Basin Detailed Design Assessment			
Coastal Engineering Study			
Hydrogeological Study			
Water Balance and Budget			
Rare Species Transplantation Plan			
Aquatic Vegetation Management Plan			
Detailed Phosphorus Budget			
Environmental Monitoring Program			
Monitoring Strategies			

Plans and Specifications for Schedule H-1 (Golf Course Shaping)

Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stage 1A Grubbing/Stump Removal, and Topsoil Stripping of Golf Course (outside treed area) Construction Methodology	May 6, 2010	SCS Consulting Group Ltd.	July 22, 2010
Erosion and Sediment Control Plan Report – Stage 1	May 6, 2010	SCS Consulting Group Ltd.	July 22, 2010
Tree Removal Control Plan 2 – Stages 1A, 1B and 1C – Drawing 702A	October 12, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan 2 – Stage 1 – Drawing 702	September 29, 2010	SCS Consulting Group Ltd.	October 22, 2010
Erosion and Sediment Control Plan Details – Drawing 705	July 13, 2010	SCS Consulting Group Ltd.	October 22, 2010
Monitoring Strategies: <ul style="list-style-type: none"> • Hydrogeological Monitoring Program 	July 14, 2010	<ul style="list-style-type: none"> • Golder Associates Limited (GAL) 	July 22, 2010

Stage 2 – Golf Course Shaping

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Nutrient Management Plan			
Monitoring Strategies			

Plans and Specifications for Schedule I-1 (Haul Road)

Name of Plan, Drawing, Specification, or Study	Date of Plan, Drawing, Specification, or Study	Prepared by	Date of Approval by the Town
Stormwater Management and Monitoring Plan			
Erosion and Sedimentation Control Plan			
Grading and Drainage Plan			
Monitoring Strategies			

SCHEDULE "C"

SCHEDULE "E-1"

Requirements for Tree Clearing

Requirements for Stage 1A Tree Clearing

1. Phasing and Timing

- 1.1 Tree removal work within the proposed golf course, public road and marina resort area shall be phased as indicated on drawings TC-0 to TC-8 and as noted on the Tree Removal Control Plans, Stage 1A and 1B Drawings 701A and 702A.
- 1.2 Tree removal for Stage 1B shall not be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.
- 1.3 No tree cutting or removal of trees shall occur during the period between April 30 and July 31 in accordance with the requirements of the Migratory Birds Act, except as otherwise may be permitted under that Act.

2. Construction Methodology

2.1 Tree Preservation and Construction Fencing

- 2.1.1 The Developer shall Install tree preservation and construction fencing in the locations delineated on the Tree Removal Control Plans for Stage 1A, and as per the details provided on the plans.
- 2.1.2 The tree preservation and construction fencing will be Installed at the direction of the site arborist (Schollen & Company Inc.) and will typically be provided at a one metre offset beyond the drip line location of the trees to be preserved. The trees shall be preserved as denoted on the Tree Inventory and Clearing Plans, drawings TC-0 to TC-8.
- 2.1.3 If during construction the tree preservation and construction fencing is breached, moved, or altered in any way, the Developer's Engineer shall prepare a report outlining the extent of the damage, breach, or alteration, remedial action taken or to be taken to remedy the damage, breach, or alteration to the satisfaction of the Town. The Developer shall implement the recommendations of the report and remedy the damage, breach, or alteration within 48 hours.
- 2.1.4 Upon completion of construction, tree protection fencing may be removed to facilitate the Installation of restoration programs.

2.2 Site Access Roads and Signage

- 2.2.1 The Developer shall Install and maintain access roads to the Lands only at the locations shown on the Tree Removal Control Plans, Stage 1A and 1B, Drawings 701A and 702A and as per the detail provided on Drawing 705.
- 2.2.2 The Developer shall Install and maintain signage as per OTM Book 7 to the satisfaction of the Town Engineer.
- 2.2.3 The Developer shall Install and maintain site access location signage, as shown on the Plans and Specifications. The Developer shall also Install and maintain municipal 911 emergency notification signage as directed by the Town Engineer.
- 2.2.4 Construction Access Roads #1 and #2 will utilize the existing paved and gravel surface roadways which currently exist on the Lands.

2.2.5 All construction vehicles and other vehicles must enter and exit the Lands only from the approved access routes referred to in section 2.2.1.

2.3 Tree Cutting and Removal

2.3.1 Trees shall only be cut and removed in accordance with the Plans and Specifications.

2.3.2 Prior to the initiation of construction, trees and/or stands of trees that have been designated for removal shall be flagged in the field by authorized personnel in accordance with the approved plans.

2.3.2 Flagged trees and/or stands of trees shall be removed by a qualified tree removal contractor in accordance with the Tree Inventory and Assessment Plans TA-7 and TA-4B.

2.3.3 Where selective tree removal is proposed adjacent to trees that have been identified as to be retained, these trees shall be felled with the objective of minimizing damage to trees that have been designated to be retained. Any branches on trees that are to be preserved that are entangled with limbs of trees that are to be removed or that are anticipated to be damaged as a result of the felling process, shall be removed utilizing approved arboricultural techniques.

2.3.4 Trees designated for removal on Drawings TC-0 to TC-8 shall be cut at the tree base.

2.3.5 No grubbing or stump removal operations shall be undertaken prior to separate approval from the Town pursuant to Schedule F-1 of this Agreement.

2.3.6 Tree removal work shall be completed such that all trees to be protected are not impacted, and shall be monitored as provided in the Plans and Specifications.

2.3.7 No burning of any cut or removed trees or waste material shall be permitted on the Lands.

2.3.8 Cut wood shall be removed from the site where required to prevent re-propagation of aggressive invasive species, to the satisfaction of the Town. When invasive species such as Buckthorn are located in tree cutting areas, cut stumps shall be treated with Gylphosate (*Roundup*), or an equivalent approved by the Town Engineer, using a wick applicator by a licensed contractor to prevent suckering and regrowth from the cut stump.

2.3.9 No trees shall be cut or removed without a permit under O.Reg 179/06 where required.

2.4 Salvageable Timber

2.4.1 Any salvageable timber from the removed trees that can be reused shall be processed into pieces suitable for off site transport. Logging trucks shall transport such material to an appropriate off site location.

2.4.2 All other tree parts shall be suitably processed on site and transported offsite to an approved disposal facility or left on-site to be further utilized or incorporated into the topsoil material.

2.4.3 A suitable supply of processed wood chips shall be retained and utilized on site as an erosion control measure in areas as directed by the Developer's Engineer to reduce exposure of bare soil to weathering and potential erosion.

2.5 Mitigation Strategies

2.5.1 No construction activity or machinery shall be permitted beyond the tree preservation fencing or limits of the Lands.

- 2.5.2 No equipment shall be refuelled, or maintenance of equipment performed within 100 metres of the marina basin, Lake Simcoe, existing drainage swales, or in close vicinity to existing trees to be preserved or sensitive environmental features.
- 2.5.3 Erosion and sedimentation control measures shall be implemented in accordance with the Plans and Specifications. Sediment control fencing shall remain in place until adequate groundcover has become established to prevent the erosion of the surface soils.
- 2.5.4 The Developer shall maintain all construction fencing, tree preservation fencing, and erosion and sedimentation control measures in working condition at all times. The Developer's Engineer shall routinely inspect the erosion and sedimentation control measures, a minimum of once per week and prior to and/or after each significant rainfall event or significant snow melt event to ensure that all erosion and sedimentation control measures are in proper working condition, and shall provide a written report of same to the Town's Engineer in a form satisfactory to the Town's Engineer. The written report shall be received within 48 hours of each inspection. The Developer shall repair any damage to construction fencing, tree preservation fencing, and erosion and sedimentation control measures within 48 hours of such damage occurring, or sooner as warranted.
- 2.5.5 No Works shall be undertaken in close proximity to the existing marina basin except for purposes of Installing and maintaining erosion and sedimentation control measures and/or tree preservation fencing noted in this Agreement.

3. Tree Preservation

- 3.1 Trees shall be retained and preserved in accordance with the Tree Inventory and Assessment Report – Appendix A, and Tree Inventory and Assessment Plans TA-7 and TA-4B. Tree Protection Fencing/Hoarding shall be placed around individual trees or groups of trees designated to be retained as described on the Plans and Specifications.
- 3.2 With respect to trees that are located on adjacent properties that have potential to be affected by grading, servicing or construction activities on site, construction impact mitigation measures required herein shall be implemented within the limits of the Lands.

4. Temporary Buffers

- 4.1 Temporary landscape buffers shall be established in accordance with Drawing EP-6A adjacent to the existing residential properties to the south of the existing marina.

5. Tree Compensation Conveyance of Land

- 5.1 The Developer agrees to convey to the Town, at no cost to the Town, free and clear of all liens and encumbrances, good and marketable title to a parcel of land having a minimum area of 35.68 hectares for the purposes of compensating the Town for the loss of trees on the Lands. The location, amount and condition of trees located on the lands, title, environmental condition of the lands and restrictions on the lands shall all be to the satisfaction of the Town. The land to be conveyed hereunder shall have the attributes set out in an approved Planting or Reforestation Compensation Plan.
- 5.2 The size of the parcel of land to be transferred to the Town by the Developer pursuant to section 5.1 above may be adjusted based on a Planting or Reforestation Compensation Plan approved by the Town and the LSRCA.

5.3 Environmental Site Assessment

- 5.3.1 All lands to be conveyed to the Town are subject to the requirements of this subsection 5.3 with respect to an Environmental Site Assessment. If the lands intended to be conveyed cannot meet the requirements of this subsection 5.3, the Developer shall convey alternate lands to the satisfaction of the Town.

- 5.3.2 The Developer shall retain a qualified Person, as defined in O.Reg 153/04, to perform a Phase I Environmental Site Assessment (“Phase 1 ESA”) in compliance with the Phase I ESA Standard designated as CAN/CSA Z768-01 published by the Canadian Standards Association and dated November 2001, as amended.
- 5.3.3 The qualified Person shall prepare a report in accordance with the requirements set out in O.Reg 153/04. This report shall include, but not be limited to, the following:
- i) confirmation of insurance coverage in compliance with O.Reg. 153/04;
 - ii) certification that the qualified Person meets the requirements of a qualified Person in O.Reg 153/04;
 - iii) the qualified Person’s opinion as to whether based on the Phase I ESA a Phase II Environmental Site Assessment (“Phase II ESA”) is warranted;
 - iv) if the qualified Person’s opinion is that a Phase II ESA is not required the qualified Person shall include the statement that “in his/her opinion and based on the Phase I ESA a Phase II ESA is not necessary”;
 - v) confirmation that the report may be relied upon by the Town in making the decision to accept ownership of the property.
- 5.3.4 Prior to the Town accepting the transfer or dedication of any Lands the report of the qualified Person must be completed and provided to the Town and a determination made as to whether further investigative work is required.
- 5.3.5 The Town will not take ownership of any Lands for which environmental issues have been identified, unless the said issues have otherwise been resolved to the Town’s satisfaction.
- 5.3.6 The Developer shall indemnify the Town for any damage, claims, orders or costs which result directly or indirectly as result of environmental issues being discovered after the transfer or grant of any lands but arising prior to the transfer. The Town is entitled to apply any Securities that it may hold on behalf of the Developer to any claim under this section.

6. Butternut Trees

- 6.1 Should any butternut trees be located within the Stage 1A tree cutting area, the Developer shall inform the Town and MNR for assessment and review in accordance with MNR policies, and in the interim the Developer shall Install tree preservation fencing as directed by the Developer’s Engineer, and shall not cut or remove the tree unless or until MNR has authorized the removal.

7. Monitoring Requirements

- 7.1 The Developer shall undertake the monitoring requirements as described in the Plans and Specifications as follows:
- (a) Ecological Monitoring Program Matrix
 - (b) Monitoring Program Matrix Tree Removal Operations Stage 1A and 1B
 - (c) Tree Clearing Monitoring Program Matrix – Tree Clearing Stage 1A

8. Communications Plan

- 8.1 Prior to the commencement of any tree clearing, the Developer shall undertake the requirements of the Communications Plan as set out in Schedule “K”.
- 8.2 Any information to be distributed pursuant to the Communications Plan to the public shall be reviewed and approved by the Town prior to distribution.

**Requirements of Stage 1B/1B-2 Tree Clearing and
Construction of Amphibian Enhancement Area #1**

9. Phasing and Timing

- 9.1** Tree removal work within the proposed golf course, public road and marina resort area shall be phased as indicated on drawings TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule “C” under “Stage 1A Tree Clearing”) and TC-5 (dated September 27, 2010 and listed in Schedule “C” under “Stage 1B Tree Clearing and Construction of Amphibian Enhancement Area #1”) and as noted on Tree Removal Control Plan 1 – Stage 1A, 1B and 1C – Drawing 701A (dated May 6, 2010, listed in Schedule “C” under “Stage 1B Tree Clearing and Construction of Amphibian Enhancement Area #1”) and Tree Removal Control Plan 2 – Stage 1A, 1B and 1C – Drawing 702A (dated October 12, 2010, listed in Schedule “C” under “Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1”).
- 9.2** Construction of Amphibian Enhancement Area #1 must be completed to the satisfaction of the Town Engineer prior to the removal of any trees from the southern Stage 1B area as shown on Drawing 701A dated May 6, 2010, listed in Schedule “C” under “Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1”.
- 9.3** Tree clearing work shall only be permitted within the Stage 1B/1B-2 Tree Clearing Area upon delivery to the Town of Security in the amount described in Schedule “E-2” for such works, and upon the Developer receiving written confirmation from the CAO or his designate that such Security has been received and that tree clearing work in the Stage 1B/1B-2 Tree Clearing area may commence.
- 9.4** Tree removal for Stage 1C shall not be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.
- 9.5** No tree cutting or removal of trees shall occur during the period of April 30 and July 31 in accordance with the requirements of the Migratory Birds Act, except as otherwise may be permitted under that Act.

10. Construction Methodology

10.1 Tree Preservation and Construction Fencing

- 10.1.1** The Developer shall retain and maintain any tree preservation and construction fencing Installed as part of the Tree Removal Control Plans for Stage 1A that is to remain during Stage 1B/1B-2 tree clearing works. The trees that are to be preserved are denoted on the Tree Inventory and Clearing Plans, TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule “C” under “Stage 1A Tree Clearing”) and TC-5 (dated September 27, 2010 and listed in Schedule “C” under “Stage 1B Tree Clearing and Construction of Amphibian Enhancement Area #1”).
- 10.1.2** If during construction the tree preservation and construction fencing is breached, moved, or altered in any way, the Developer’s Engineer shall prepare a report outlining the extent of the damage, breach, or alteration, remedial action taken or to be taken to remedy the damage, breach, or alteration to the satisfaction of the Town. The Developer shall implement the recommendations of the report and remedy the damage, breach, or alteration within 48 hours.
- 10.1.3** Upon completion of construction, tree protection fencing may be removed to facilitate the Installation of restoration programs.

10.2 Site Access Roads and Signage

- 10.2.1** The Developer shall Install and maintain access roads to the Lands only at the locations shown on the Tree Removal Control Plan 1, Stage 1A, 1B and 1C, Drawing 701A dated May 6, 2010 and listed in Schedule "C" under "Stage 1B Tree Clearing and Construction of Amphibian Enhancement Area #1", and Tree Removal Control Plan 2, Stage 1A, 1B and 1C, Drawing 702A dated October 12, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1", and as per the detail provided on Drawing 705, dated July 13, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1". There shall be three construction site access roads (#1, #2 & #3) maintained from Big Bay Point Road as shown on the above mentioned drawings.
- 10.2.2** The Developer shall Install and maintain signage as per OTM Book 7 to the satisfaction of the Town Engineer.
- 10.2.3** The Developer shall Install and maintain site access location signage, as shown on the Plans and Specifications. The Developer shall also Install and maintain municipal 911 emergency notification signage as directed by the Town Engineer.
- 10.2.4** Construction Access Roads #1 and #2 will utilize the existing paved and gravel surface roadways which currently exist on the Lands.
- 10.2.5** All construction vehicles and other vehicles must enter and exit the Lands only from the approved access routes referred to in section 10.2.1.

10.3 Tree Cutting and Removal

- 10.3.1** Trees shall only be cut and removed in accordance with the Plans and Specifications.
- 10.3.2** No tree clearing shall be commenced in the Stage 1B/1B-2 Area until the Stage 1B/1B-2 sediment control works (as set out in the Erosion and Sedimentation Control Plans and Details listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1") have been Installed to the satisfaction of the Town Engineer. The sediment control works shall include, but are not limited to associated temporary swales, additional sediment control fencing and rock check dams as shown on Drawing 701, dated July 13, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1", and additional tree preservation and sediment control fencing as shown on Drawing 702, dated September 29, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1".
- 10.3.3** Prior to the initiation of construction, trees and/or stands of trees that have been designated for removal shall be flagged in the field by authorized personnel in accordance with the approved plans.
- 10.3.4** Tree removal within the "Treed Area" (holes 16-18 of the golf course) on Drawing 702A shall take place in two stages. The first stage will be to remove all trees within the flagged edges as determined by Schollen & Company Inc. and Carrick Design. Any flagged tree located inside the flagged edges shall not be removed. The second stage shall consist of Carrick Design revisiting the "Treed Area" on Drawing 702A once the first stage removals are completed to fine tune the flagged edges to conform to the overall design for the golf course holes. Schollen & Company Inc. shall update the Tree Inventory and Preservation plans for the fairway area to correspond with the recommendations of Carrick Design, and these revised drawings shall be submitted to the Town for approval prior to the initiation of tree clearing inside the flagged edges.
- 10.3.5** Where selective tree removal is proposed adjacent to trees that have been identified as to be retained, these trees shall be felled with the objective of minimizing damage to trees that have been designated to be retained. Any branches on trees that are to be preserved

that are entangled with limbs of trees that are to be removed or that are anticipated to be damaged as a result of the felling process, shall be removed utilizing approved arboricultural techniques.

10.3.6 Trees designated for removal on Drawings TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule "C" under "Stage 1A Tree Clearing") and TC-5 (dated September 27, 2010 and listed in Schedule "C" under "Stage 1B Tree Clearing and Construction of Amphibian Enhancement Area #1") shall be cut at the tree base.

10.3.7 No grubbing or stump removal operations shall be undertaken prior to separate approval from the Town pursuant to Schedule F-1 of this Agreement.

10.3.8 Tree removal work shall be completed such that all trees to be protected are not impacted, and shall be monitored as provided in the Plans and Specifications.

10.3.9 No burning of any cut or removed trees or waste material shall be permitted on the Lands.

10.3.10 Cut wood shall be removed from the site where required to prevent re-propagation of aggressive invasive species, to the satisfaction of the Town. When invasive species such as Buckthorn are located in tree cutting areas, cut stumps shall be treated with Glyphosate (*Roundup*), or an equivalent approved by the Town Engineer, using a wick applicator by a licensed contractor to prevent suckering and regrowth from the cut stump.

10.3.11 No trees shall be cut or removed without a permit under O.Reg 179/06 where required.

10.4 Salvageable Timber

10.4.1 Any salvageable timber from the removed trees that can be reused shall be processed into pieces suitable for off site transport. Logging trucks shall transport such material to an appropriate off site location.

10.4.2 All other tree parts shall be suitably processed on site and transported offsite to an approved disposal facility or left on site to be further utilized or incorporated into the topsoil material.

10.4.3 A suitable supply of processed wood chips shall be retained and utilized on site as an erosion control measure in areas as directed by the Developer's Engineer to reduce exposure of bare soil to weathering and potential erosion.

10.5 Mitigation Strategies

10.5.1 No construction activity or machinery shall be permitted beyond the tree preservation fencing, erosion and sediment control fencing, or limits of the Lands.

10.5.2 No equipment shall be refuelled, or maintenance of equipment performed within 100 metres of the marina basin, Lake Simcoe, existing drainage swales, or in close vicinity to existing trees to be preserved or sensitive environmental features.

10.5.3 Erosion and sedimentation control measures shall be implemented in accordance with the Plans and Specifications. Such measures shall include, but are not to be limited to, rock check dams, sedimentation control and tree preservation fencing, mulching of exposed soils adjacent to sensitive areas during any tree removal operations and Installation of geotextile silt curtains within the marina basin. Sediment control fencing shall remain in place until adequate groundcover has become established to prevent the erosion of the surface soils.

10.5.4 The Developer shall maintain all construction fencing, tree preservation fencing, and erosion and sedimentation control measures in working condition at all times. The

Developer's Engineer shall routinely inspect the erosion and sedimentation control measures, a minimum of once per week and prior to and/or after each significant rainfall event or significant snow melt event to ensure that all erosion and sedimentation control measures are in proper working condition, and shall provide a written report of same to the Town's Engineer in a form satisfactory to the Town's Engineer. The written report shall be received within 48 hours of each inspection. The Developer shall repair any damage to construction fencing, tree preservation fencing, and erosion and sedimentation control measures within 48 hours of such damage occurring, or sooner as warranted.

10.5.5 No Works shall be undertaken in close proximity to the existing marina basin except for purposes of Installing and maintaining erosion and sedimentation control measures and/or tree preservation fencing noted in this Agreement.

11. Tree Preservation

11.1 Trees shall be retained and preserved in accordance with the Tree Inventory and Clearing Plans, TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule "C" under "Stage 1A Tree Clearing") and TC-5 (dated September 27, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1"). Tree Protection Fencing/Hoarding shall be placed around individual trees or groups of trees designated to be retained as described on the Plans and Specifications.

11.2 With respect to trees that are located on adjacent properties that have potential to be affected by grading, servicing or construction activities on site, construction impact mitigation measures required herein shall be implemented within the limits of the Lands.

12. Temporary Buffers

12.1 The treed buffers of existing trees around the perimeter of the Lands shall be maintained as designated on the Tree Inventory and Clearing Plans listed in Schedule "C" under "Stage 1A Tree Clearing".

13. Butternut Trees

13.1 Should any butternut trees be located within the Stage 1B/1B-2 tree cutting area, the Developer shall inform the Town and MNR for assessment and review in accordance with MNR policies, and in the interim the Developer shall Install tree preservation fencing as directed by the Developer's Engineer, and shall not cut or remove the tree unless or until MNR has authorized the removal.

14. Construction of Amphibian Enhancement Area #1

14.1 The Developer shall construct Amphibian Enhancement Area #1 in accordance with the requirements and specifications of the Stage 1B/1B2 Tree Clearing and Grubbing & Construction of Amphibian Enhancement Area #1 Construction Methodology, dated October 20, 2010, and the Enhancement Area No. 1 Berm Construction Plan, dated October 2010, both of which are listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1".

14.2 The Developer shall complete construction of Amphibian Enhancement Area #1 to the satisfaction of the Town Engineer prior to any tree cutting in the southern Stage 1B Area as shown on Drawing 701A, dated May 6, 2010, listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area".

15. Monitoring Requirements

15.1 The Developer shall continue to undertake the monitoring requirements for Stage 1A Tree Clearing as set out in Section 7 of this Schedule.

15.2 In addition to the requirements of subsection 15.1 of this Schedule, the Developer shall undertake the monitoring requirements as described in the Plans and Specifications as follows:

- (a) Ecological Monitoring Program Matrix, dated October 19, 2010
- (b) Tree Clearing Monitoring Program Matrix, Tree Clearing Stages 1A, 1B and 1B2, dated October 13, 2010.

16. Communications Plan

16.1 Prior to the commencement of any Stage 1B/1B-2 tree clearing, the Developer shall undertake the requirements of the Communications Plan as set out in Schedule “K”.

16.2 Any information to be distributed pursuant to the Communications Plan to the public shall be reviewed and approved by the Town prior to distribution.

Requirements of Stage 1C Tree Clearing

17. Stage 1C Tree Clearing Pre-conditions

17.1 Amending Agreement

The Developer and the Town shall enter into an Amending Agreement which states the requirements based on the plans noted in paragraph 17.3 of this Schedule, which shall be registered on title to the Lands in priority to all other liens and encumbrances prior to commencement of Phase 1C Tree Clearing.

17.2 Timing

Prior to entering into the Amending Agreement referred to in section 17.1 of this Schedule, the Developer shall justify the timing of such Works in the context of an overall construction schedule to the Town’s satisfaction.

17.3 Peer Review of Supporting Studies

Prior to entering into the Amending Agreement referred to in section 17.1 of this Schedule, the following supporting studies shall be peer reviewed and approved by the Town (unless otherwise required by the OPA 17, Zoning By-law 029-05, the plan of subdivision approval, the conditions of draft plan approval, or otherwise by law):

- (a) construction management plan (tree clearing methodology) (Town);
- (b) tree clearing plan (Town);
- (c) erosion and sedimentation control plan (Town);
- (d) landscape plan (Town).

In exercising its discretion under this paragraph, the Town may consult with any government agency it considers appropriate and in giving its approval the Town may consider whether the approval of that agency has been obtained.

17.4 Monitoring Program

17.4.1 Prior to any Stage 1C Tree Clearing work, the following monitoring programs shall be initiated and/or continued by the Developer:

- (a) all monitoring required for Stage 1A/1B/1B-2 Tree Cutting to the satisfaction of the Town;

- (b) water quality monitoring to the satisfaction of the Town;
- (c) ebony spleenwort and shagbark hickory monitoring to the satisfaction of the Town;
- (d) butternut monitoring to the satisfaction of the Town;
- (e) forest edge monitoring to the satisfaction of the Town;
- (f) survivorship of reforestation monitoring to the satisfaction of the Town;
- (g) breeding birds monitoring to the satisfaction of the Town.

17.4.2 Prior to any Stage 1C Tree Clearing work, the Developer shall remedy any negative effects identified through monitoring of Stage 1A/1B/1B-2 Tree Clearing, to the satisfaction of the Town.

17.5 Communications Plan and Site Activity Checklist

Prior to entering the Amending Agreement referred to in section 17.1 of this Schedule, the Developer shall amend the Communications Plan attached as Schedule “K” and the Site Activity Checklist attached as Schedule “J” to the satisfaction of the Town which must be endorsed by the CAO or his designate prior to commencement of work.

SCHEDULE "D"

SCHEDULE "E-2"

Security for Tree Clearing

Security for Stage 1A Tree Clearing

1.	Reforestation	\$192,000.00
2.	Sediment and Erosion Control Measures	\$22,000.00 (To be released on provision of full Security for Stage 1A/1B Grubbing and Golf Course Stripping or applied in whole or in part, as applicable, to the security required for Stage 1A/1B Grubbing and Golf Course Stripping)
3.	Security for Road Reconstruction/ Construction Damage	\$50,000.00
4.	Communications Plan	\$50,000.00
5.	Administrative Costs (Security to be provided as a cash deposit to be drawn upon as used)	\$75,000.00
	SUBTOTAL	\$389,000.00
	TOTAL VALUE OF LETTER OF CREDIT REQUIRED FOR ITEMS 1-4	\$314,000.00
	TOTAL VALUE OF CASH SECURITY REQUIRED FOR ITEM 5	\$75,000.00
	TOTAL SECURITIES REQUIRED	\$389,000.00

Security for Stage 1B/1B-2 Tree Clearing and
Construction of Amphibian Enhancement Area #1

1.	Reforestation	\$121,320.00
2.	Sediment and Erosion Control Measures	\$112,410.00 (To be released on provision of full Security for Stage 1A/1B Grubbing and Golf Course Stripping or applied in whole or in part, as applicable, to the security required for Stage 1A/1B Grubbing and Golf Course Stripping)
3.	Construction/Maintenance of Amphibian Enhancement Area #1	\$25,000.00

4.	Security for Road Reconstruction/ Construction Damage	\$N/A (Secured under Stage 1A Tree Clearing)
5.	Communications Plan	\$ N/A (Secured under Stage 1A Tree Clearing)
6.	Administrative Costs (Security to be provided as a cash deposit to be drawn upon as used)	\$ N/A (Secured under Stage 1A Tree Clearing)
SUBTOTAL		\$258,730.00
Contingencies		\$ N/A (Secured under Stage 1A Tree Clearing)
TOTAL SECURITIES REQUIRED		\$258,730.00

Security for Stage 1C Tree Clearing

1.	Reforestation	\$ _____
2.	Sediment and Erosion Control Measures	\$ _____
3.	Security for Road Reconstruction/ Construction Damage	\$ _____
4.	Communications Plan	\$ _____
4.	Administrative Costs (Security to be provided as a cash deposit to be drawn upon as used)	\$ _____
SUBTOTAL		\$ _____
Contingencies		\$ _____
TOTAL VALUE OF LETTER OF CREDIT REQUIRED FOR ITEMS 1-3		\$ _____
TOTAL VALUE OF CASH SECURITY REQUIRED FOR ITEM 4		\$ _____
TOTAL SECURITIES REQUIRED		\$ _____

The estimate contained in this Schedule is for informational purposes only and shall not restrict the rights of the Town to draw on the cash or Letter of Credit up to the full remaining balance thereof to rectify any default, nor to require any increase in said Security as set out therein. If Town costs to rectify any default exceeds the value of the Letter of Credit, the Town may recover all costs and expenses incurred by the Town, whether directly or indirectly, with respect to the default or remedy thereof and collect such costs and expenses in like manner as municipal taxes.

SCHEDULE "E"

SCHEDULE "F-1"

Requirements for Grading and Grubbing

Stage 1A Grubbing/Stump Removal

1. Phasing and Timing

- 1.1 Grubbing and stump removal work shall only be permitted within the Stage 1A Tree Clearing area as shown on the Tree Removal Control Plan 701A, dated May 6, 2010 and listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal".
- 1.2 Grubbing and stump removal work shall only be permitted within the Stage 1A Tree Clearing area upon delivery to the Town of Security in the amount described in Schedule "F-2" for such works, and upon the Developer receiving written confirmation from the CAO or his designate that such Security has been received and that grubbing and stump removal work in the Stage 1A Tree Clearing area may commence.
- 1.3 Grading work within the Stage 1A area shall not be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.

2. Construction Methodology

2.1 Tree Preservation and Construction Fencing

- 2.1.1 The Developer shall retain and maintain all tree preservation and construction fencing shown as being maintained during Stage 1A grubbing and stump removal works on the Tree Removal Control Plans listed in Schedule "C" under "Stage 1A Tree Clearing" in the existing locations as Installed as part of the tree removal for Stage 1A.
- 2.1.2 The Developer shall preserve the trees as shown on the Tree Inventory and Clearing Plans, TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule "C" under "Stage 1A Tree Clearing") and TC-5 (dated September 27, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1").
- 2.1.3 If during construction the tree preservation and construction fencing is breached, moved, or altered in any way, the Developer's Engineer shall prepare a report outlining the extent of the damage, breach, or alteration, remedial action taken or to be taken to remedy the damage, breach, or alteration to the satisfaction of the Town. The Developer shall implement the recommendations of the report and remedy the damage, breach, or alteration within 48 hours.
- 2.1.4 Upon completion of construction, tree protection fencing may be removed to facilitate the Installation of restoration programs.

2.2 Site Access Roads and Signage

- 2.2.1 The Developer shall Install and maintain access roads to the Lands only at the locations shown on the Tree Removal Control Plans, Stage 1A, 1B and 1C, Drawings 701A, dated May 6, 2010 and listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal", and 702A, dated October 12, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Area" and as per the detail provided on Drawing 705, dated July 13, 2010 and listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal". There shall be three access roads (#1, #2, and #3) maintained from Big Bay Point Road as shown on the above mentioned Drawings.

- 2.2.2 The Developer shall Install and maintain signage as per OTM Book 7 to the satisfaction of the Town Engineer.
- 2.2.3 The Developer shall Install and maintain site access location signage, as shown on the Plans and Specifications. The Developer shall also Install and maintain municipal 911 emergency notification signage as directed by the Town Engineer.
- 2.2.4 Construction Access Roads #1 and #2 will utilize the existing paved and gravel surface roadways which currently exist on the Lands.
- 2.2.5 All construction vehicles and other vehicles must enter and exit the Lands only from the approved access routes referred to in section 2.2.1.

2.3 Grubbing and Stump Removal

- 2.3.1 Grubbing and stump removal shall only be performed in accordance with the Plans and Specifications.
- 2.3.2 The Stage 1A erosion and sediment control works shall be Installed prior to any grubbing or stump removal.

2.4 Erosion and Sediment Control

- 2.4.1 The Developer shall Install all erosion and sedimentation control works as shown on Erosion and Sediment Control Plan 1 – Stage 1 – Drawing 701, dated July 13, 2010 and listed in Schedule “C” under “Stage 1A Grubbing/Stump Removal”, including but not limited to Installation of ESC Ponds A and B as well as the associated temporary swales, additional sediment control fencing and rock check dams as shown on Drawing 701.
- 2.4.2 All erosion and sedimentation control works shall be Installed in accordance with the Plans and Specifications, including but not limited to the requirements in the Erosion and Sediment Control Plan Report – Stage 1, dated May 6, 2010 and listed in Schedule “C” under “Stage 1A Grubbing/Stump Removal”.
- 2.4.3 All disturbed ground that is to be left inactive for 30 days or more shall be vegetated, subject to weather conditions, by seeding or approved equivalent, as soon as the determination is made that the disturbed area will be inactive for 30 days or more. If conditions are not suitable for vegetation after 30 days, then areas are to be vegetated as soon as possible thereafter.

2.5 Mitigation Strategies

- 2.5.1 No construction activity or machinery shall be permitted beyond the tree preservation fencing, erosion and sediment control fencing, or limits of the Lands.
- 2.5.2 No equipment shall be refuelled, or maintenance of equipment performed within 100 metres of the marina basin, Lake Simcoe, existing drainage swales, or in close vicinity to existing trees to be preserved or sensitive environmental features.
- 2.5.3 Erosion and sedimentation control measures shall be implemented in accordance with the Plans and Specifications. Sediment control fencing shall remain in place until adequate groundcover has become established to prevent the erosion of the surface soils.
- 2.5.4 The Developer shall maintain all construction fencing, tree preservation fencing, and erosion and sedimentation control measures in working condition at all times. The Developer’s Engineer shall routinely inspect the erosion and sedimentation control measures, a minimum of once per week and prior to and/or after each significant rainfall event or significant snow melt event to ensure that all erosion and sedimentation control measures are in proper working condition, and shall provide a written report of same to the Town’s Engineer in a form satisfactory to the Town’s Engineer. The written report

shall be received with 48 hours of each inspection. The Developer shall repair any damage to construction fencing, tree preservation fencing, and erosion and sedimentation control measures within 48 hours of such damage occurring, or sooner as warranted.

- 2.5.5 No Works shall be undertaken in close proximity to the existing marina basin except for purposes of Installing and maintaining erosion and sedimentation control measures and/or tree preservation fencing noted in this Agreement.

3. Temporary Buffers

- 3.1 The treed buffers of existing trees around the perimeter of the Lands shall be maintained as designated on the Tree Inventory and Clearing Plans listed in Schedule "C" under "Stage 1A Tree Clearing".

4. Monitoring Requirements

- 4.1 The Developer shall undertake the monitoring requirements as described in the Plans and Specifications as follows::

(a) Hydrogeological Monitoring Program, dated July 14, 2010.

5. Communications Plan

- 5.1 Prior to the commencement of any grubbing or stump removal, the Developer shall undertake the requirements of the Communications Plan as set out in Schedule "K".

- 5.2 Any information to be distributed pursuant to the Communications Plan to the public shall be reviewed and approved by the Town prior to distribution.

Stage 1B/1B-2 Grubbing/Stump Removal

6. Phasing and Timing

- 6.1 Grubbing and stump removal work shall only be permitted within the Stage 1B/1B-2 Tree Clearing Area as shown on the Tree Removal Control Plan 1 – Stage 1A, 1B and 1C - Drawing 701A, dated May 6, 2010, listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal", and Tree Removal Control Plan 2 – Stage 1A, 1B and 1C – Drawing 702A, dated October 12, 2010, listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1".

- 6.2 Grubbing and stump removal work shall only permitted within the Stage 1B/1B-2 Tree Clearing area upon delivery to the Town of Security in the amount described in Schedule "F-2" for such works, and upon the Developer receiving written confirmation from the CAO or his designate that such Security has been received and that grubbing and stump removal work in the Stage 1B/1B-2 Tree Clearing area may commence.

- 6.3 Grading work within the Stage 1B/1B-2 area shall not be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.

- 6.4 Grading, grubbing or stump removal for Stage 1C shall not be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.

7. Construction Methodology

7.1 Tree Preservation and Construction Fencing

- 7.1.1 The Developer shall retain and maintain any tree preservation and construction fencing Installed as part of the Tree Removal Control Plans for Stage 1A and Stage 1B/1B-2 that is to remain during Stage 1B/1B-2 grubbing and stump removal works.
- 7.1.2 The Developer shall preserve the trees as shown on the Tree Inventory and Clearing Plans, TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule "C" under "Stage 1A Tree Clearing") and TC-5 (dated September 27, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1").
- 7.1.3 If during construction the tree preservation and construction fencing is breached, moved, or altered in any way, the Developer's Engineer shall prepare a report outlining the extent of the damage, breach, or alteration, remedial action taken or to be taken to remedy the damage, breach, or alteration to the satisfaction of the Town. The Developer shall implement the recommendations of the report and remedy the damage, breach, or alteration within 48 hours.
- 7.1.4 Upon completion of construction, tree protection fencing may be removed to facilitate the Installation of restoration programs.

7.2 Site Access Roads and Signage

- 7.2.1 The Developer shall Install and maintain access roads to the Lands only at the locations shown on the Tree Removal Control Plan 1, Stage 1A, 1B and 1C, Drawing 701A dated May 6, 2020 and listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal", and Tree Removal Control Plan 2, Stage 1A, 1B and 1C, Drawing 702A dated October 12, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1", and as per the detail provided on Drawing 705, dated July 13, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1". There shall be three construction site access roads (#1, #2 & #3) maintained from Big Bay Point Road as shown on the above mentioned drawings.
- 7.2.2 The Developer shall Install and maintain signage as per OTM Book 7 to the satisfaction of the Town Engineer.
- 7.2.3 The Developer shall Install and maintain site access location signage, as shown on the Plans and Specifications. The Developer shall also Install and maintain municipal 911 emergency notification signage as directed by the Town Engineer.
- 7.2.4 Construction Access Roads #1 and #2 will utilize the existing paved and gravel surface roadways which currently exist on the Lands.
- 7.2.5 All construction vehicles and other vehicles must enter and exit the Lands only from the approved access routes referred to in section 7.2.1.

7.3 Grubbing and Stump Removal

- 7.3.1 Grubbing and stump removal shall only be performed in accordance with the Plans and Specifications.
- 7.3.2 The Stage 1B/1B-2 erosion and sediment control works shall be Installed prior to any grubbing or stump removal work is commenced in the Stage 1B/1B-2 Area.

7.4 Erosion and Sediment Control

- 7.4.1** The Developer shall Install all Stage 1B/1B-2 sediment control works (as set out in the Erosion and Sedimentation Control Plans and Details listed in Schedule “C” under “Stage 1B/1B-2 Grubbing/Stump Removal”) to the satisfaction of the Town Engineer. The sediment control works shall include, but are not limited to, associated temporary swales, additional sediment control fencing and rock check dams as shown on Drawing 701, dated July 13, 2010 and listed in Schedule “C” under “Stage 1B/1B-2 Grubbing/Stump Removal”, and additional tree preservation and sediment control fencing as shown on Drawing 702, dated September 29, 2010 and listed in Schedule “C” under “Stage 1B/1B-2 Grubbing/Stump Removal”.
- 7.4.2** All erosion and sedimentation control works shall be Installed in accordance with the Plans and Specifications, including but not limited to the requirements in Erosion and Sediment Control Plan 1 – Stage 1 – Drawing 701, dated July 13, 2010 and Erosion and Sediment Control Plan 2 – Stage 1 – Drawing 702, dated September 29, 2010, both listed in Schedule “C” under “Stage 1B/1B-2 Grubbing/Stump Removal”.
- 7.4.3** All disturbed ground that is to be left inactive for 30 days or more shall be vegetated, subject to weather conditions, by seeding or approved equivalent, as soon as the determination is made that the disturbed area will be inactive for 30 days or more. If conditions are not suitable for vegetation after 30 days, then areas are to be vegetated as soon as possible thereafter.

7.5 Mitigation Strategies

- 7.5.1** No construction activity or machinery shall be permitted beyond the tree preservation fencing, erosion and sediment control fencing, or limits of the Lands.
- 7.5.2** No equipment shall be refuelled, or maintenance of equipment performed within 100 metres of the marina basin, Lake Simcoe, existing drainage swales, or in close vicinity to existing trees to be preserved or sensitive environmental features.
- 7.5.3** Erosion and sedimentation control measures shall be implemented in accordance with the Plans and Specifications. Such measures shall include, but are not be limited to, sediment control ponds, rock check dams, sedimentation control and tree preservations fencing, mulching of exposed soils adjacent to sensitive areas during any tree removal operations and Installation of geotextile silt curtains within the marina basin. Sediment control fencing shall remain in place until adequate groundcover has become established to prevent the erosion of the surface soils.
- 7.5.4** The Developer shall maintain all construction fencing, tree preservation fencing, and erosion and sedimentation control measures in working condition at all times. The Developer’s Engineer shall routinely inspect the erosion and sedimentation control measures, a minimum of once per week and prior to and/or after each significant rainfall event or significant snow melt event to ensure that all erosion and sedimentation control measures are in proper working condition, and shall provide a written report of same to the Town’s Engineer in a form satisfactory to the Town’s Engineer. The written report shall be received within 48 hours of each inspection. The Developer shall repair any damage to construction fencing, tree preservation fencing, and erosion and sedimentation control measures within 48 hours of such damage occurring, or sooner as warranted.
- 7.5.5** No Works shall be undertaken in close proximity to the existing marina basin except for purposes of Installing and maintaining erosion and sedimentation control measures and/or tree preservation fencing or temporary sediment control pond outfalls noted in this Agreement.

8. Temporary Buffers

8.1 The treed buffers of existing trees around the perimeter of the Lands shall be maintained as designated on the Tree Inventory and Clearing Plans listed in Schedule "C" under "Stage 1A Tree Clearing".

9. Monitoring Requirements

9.1 The Developer shall continue to undertake the monitoring requirements for Stage 1A Tree Clearing as set out in Section 4 of this Schedule.

9.2 In addition to the requirements of subsection 9.1 of this Schedule, the Developer shall undertake the monitoring requirements as described in the Plans and Specifications as follows:

- (a) Ecological Monitoring Program Matrix, dated October 19, 2010; and
- (b) Monitoring Program Matrix, Stages 1A and 1B Grubbing and Golf Course Topsoil Stripping (Outside of treed areas), dated October 2010.

10. Communications Plan

10.1 Prior to the commencement of any Stage 1B/1B-2 grubbing or stump removal, the Developer shall undertake the requirements of the Communications Plan as set out in Schedule "K".

10.2 Any information to be distributed pursuant to the Communications Plan to the public shall be reviewed and approved by the Town prior to distribution.

11. Archaeological Assessment

11.1 The Owner represents and the Town acknowledges that the MC is satisfied that concerns for archaeological sites have been met for the Lands, as stated in a letter from Shari Prowse, Archaeology Review Officer, MC, dated March 22, 2010, addressed to Mr. Mike Henry of AMICK Consultants Ltd.

Stage 1A/1B/1B-2 Grading

12. Grading Pre-conditions

12.1 Amending Agreement

The Developer and the Town shall enter into an Amending Agreement which states the requirements based on the plans noted in paragraph 12.3 of this Schedule, which shall be registered on title to the Lands in priority to all other liens and encumbrances prior to commencement of Stage 1A/1B/1B-2 Grading.

12.2 Timing

Prior to entering into the Amending Agreement referred to in section 12.1 of this Schedule, the Developer shall justify the timing of such Works in the context of an overall construction schedule to the Town's satisfaction.

12.3 Peer Review of Supporting Studies

Prior to entering into the Amending Agreement referred to in section 12.1 of this Schedule, the following supporting studies shall be peer reviewed and approved by the Town (unless otherwise required by the OPA 17, Zoning By-law 029-05, the plan of subdivision approval, the conditions of draft plan approval, or otherwise by law):

- (a) all plans and studies required for Tree Cutting;
- (b) stormwater management and monitoring plan (Town, the County, LSRCA, MOE, MNR);
- (c) grading and drainage plan (Town, the County, LSRCA, MOE, and MNR);
- (d) geotechnical report for stormwater management pond (Town, the County, LSRCA, MOE, and MNR);
- (e) erosion and sedimentation control master plan (Town, County, LSRCA, and MOE).

In exercising its discretion under this paragraph, the Town may consult with any government agency it considers appropriate and in giving its approval the Town may consider whether the approval of that agency has been obtained.

12.4 Monitoring Program

12.4.1 Prior to any Stage 1A/1B/1B-2 Grading work, the following monitoring programs shall be initiated by the Developer:

- (a) all monitoring required for Tree Cutting to the satisfaction of the Town;
- (b) well monitoring to the satisfaction of the Town;
- (c) amphibian monitoring to the satisfaction of the Town.

12.4.2 Prior to any Stage 1A/1B/1B-2 Grading work, the Developer shall remedy any negative effects identified through site monitoring of Tree Clearing or Grubbing/Stump Removal, to the satisfaction of the Town.

12.5 Communications Plan and Site Activity Checklist

Prior to entering the Amending Agreement referred to in section 12.1 of this Schedule, the Developer shall amend the Communications Plan attached as Schedule "K" and the Site Activity Checklist attached as Schedule "J" to the satisfaction of the Town which must be endorsed by the CAO or his designate prior to commencement of work.

Stage 1C Grubbing and Grading

13. Grading and Grubbing Pre-conditions

13.1 Amending Agreement

The Developer and the Town shall enter into an Amending Agreement which states the requirements based on the plans noted in paragraph 13.3 of this Schedule, which shall be registered on title to the Lands in priority to all other liens and encumbrances prior to commencement of Stage 1C Grading and Grubbing.

13.2 Timing

Prior to entering into the Amending Agreement referred to in section 13.1 of this Schedule, the Developer shall justify the timing of such Works in the context of an overall construction schedule to the Town's satisfaction.

13.3 Peer Review of Supporting Studies

Prior to entering into the Amending Agreement referred to in section 13.1 of this Schedule, the following supporting studies shall be peer reviewed and approved by the Town (unless otherwise required by the OPA 17, Zoning By-law 029-05, the plan of subdivision approval, the conditions of draft plan approval, or otherwise by law):

- (a) all plans and studies required for Tree Cutting;
- (b) stormwater management and monitoring plan (Town, the County, LSRCA, MOE, MNR);
- (c) grading and drainage plan (Town, the County, LSRCA, MOE, and MNR);
- (d) geotechnical report for stormwater management pond (Town, the County, LSRCA, MOE, and MNR);
- (e) erosion and sedimentation control master plan (Town, County, LSRCA, and MOE).

In exercising its discretion under this paragraph, the Town may consult with any government agency it considers appropriate and in giving its approval the Town may consider whether the approval of that agency has been obtained.

13.4 Monitoring Program

13.4.1 Prior to any Stage 1C Grading or Grubbing work, the following monitoring programs shall be initiated by the Developer:

- (a) all monitoring required for Tree Cutting to the satisfaction of the Town;
- (b) well monitoring to the satisfaction of the Town;
- (c) amphibian monitoring to the satisfaction of the Town.

13.4.2 Prior to any Stage 1C Grading or Grubbing work, the Developer shall remedy any negative effects identified through site monitoring of Tree Clearing, to the satisfaction of the Town.

13.5 Communications Plan and Site Activity Checklist

Prior to entering the Amending Agreement referred to in section 13.1 of this Schedule, the Developer shall amend the Communications Plan attached as Schedule "K" and the Site Activity Checklist attached as Schedule "J" to the satisfaction of the Town which must be endorsed by the CAO or his designate prior to commencement of work.

SCHEDULE "F"

SCHEDULE "F-2"

Security for Grading and Grubbing

Security for Stage 1A Grubbing/Stump Removal

1.	Tree Preservation and Sediment and Erosion Control Measures	\$224,355.00
2.	Communications Plan	\$ N/A (Secured under Stage 1A Tree Clearing)
3.	Administrative Costs	\$ N/A (Secured under Stage 1A Tree Clearing)
	SUBTOTAL	\$224,355.00
	Contingencies	\$ N/A (Secured under Stage 1A Tree Clearing)
	TOTAL VALUE OF LETTER OF CREDIT	\$224,355.00
	TOTAL SECURITIES REQUIRED	\$224,355.00

Stage 1B/1B-2 Grubbing/Stump Removal

1.	Tree Preservation and Sediment and Erosion Control Measures	\$ 20,550.00
2.	Communications Plan	\$ N/A (Secured under Stage 1A Tree Clearing)
3.	Administrative Costs	\$ N/A (Secured under Stage 1A Tree Clearing)
	SUBTOTAL	\$ 20,550.00
	Contingencies	\$ N/A (Secured under Stage 1A Tree Clearing)
	TOTAL VALUE OF LETTER OF CREDIT	\$ 20,550.00
	TOTAL SECURITIES REQUIRED	\$ 20,550.00

Stage 1A/1B/1B-2 Grading

1.	\$ _____
2.	\$ _____
3.	\$ _____
4.	\$ _____

5. Communications Plan	\$ _____
6. Administrative Costs	\$ _____
SUBTOTAL	\$ _____
Contingencies	\$ _____
TOTAL VALUE OF LETTER OF CREDIT	\$ _____
TOTAL SECURITIES REQUIRED	\$ _____

Stage 1C Grading and Grubbing

1.	\$ _____
2.	\$ _____
3.	\$ _____
4.	\$ _____
5. Communications Plan	\$ _____
6. Administrative Costs	\$ _____
SUBTOTAL	\$ _____
Contingencies	\$ _____
TOTAL VALUE OF LETTER OF CREDIT	\$ _____
TOTAL SECURITIES REQUIRED	\$ _____

The estimate contained in this Schedule is for informational purposes only and shall not restrict the rights of the Town to draw on the cash or Letter of Credit up to the full remaining balance thereof to rectify any default, nor to require any increase in said Security as set out therein. If Town costs to rectify any default exceeds the value of the Letter of Credit, the Town may recover all costs and expenses incurred by the Town, whether directly or indirectly, with respect to the default or remedy thereof and collect such costs and expenses in like manner as municipal taxes.

SCHEDULE "G"

SCHEDULE "H-1"

Requirements for Golf Course Shaping

Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas

1. Phasing and Timing

- 1.1 Topsoil stripping shall only be permitted within the golf course area outside of the Stage 1B/1B-2 area as indicated on Tree Removal Control Plan 2 – Stages 1A, 1B and 1C – Drawing 702A, dated October 12, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas".
- 1.2 The topsoil stripping work described in subsection 1.1 of this Schedule shall only be permitted upon delivery to the Town of Security in the amount described in Schedule "H-2" for such works, and upon the Developer receiving written confirmation from the CAO or his designate that such Security has been received and that the topsoil stripping work described in subsection 1.1 of this Schedule may commence.
- 1.2 No further golf course shaping activity (including but not limited to the placing or dumping of materials excavated from the marina area) shall be commenced without the further written approval of the CAO or his designate, which may contain further requirements and conditions and/or an amendment to this Schedule.

2. Construction Methodology

2.1 Tree Preservation and Construction Fencing

- 2.1.1 All existing vegetation within the golf course area must be preserved and protected with tree protection fencing, save and except for the hedgerow referred to below in Section 2.3.3 of this Schedule. This fencing is to remain in place until approval of Phase 1B tree clearing by the Town.
- 2.1.2 The tree preservation and construction fencing will be Installed at the direction of the site arborist (Schollen & Company Inc.) and will typically be provided at a one metre offset beyond the drip line location of the trees to be preserved.
- 2.1.3 The Developer shall retain and maintain all tree preservation and construction fencing in the existing locations as Installed as part of the tree removal for Stage 1B/1B-2, as shown on the Tree Removal Control Plans listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1" that is to remain during Stage 1- Topsoil Stripping of Golf Course Outside of Treed Area as shown on Drawing 702A listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas".
- 2.1.4 The Developer shall preserve the trees as shown on the Tree Inventory and Clearing Plans, TC-0 to TC-4 and TC-6 to TC-8 (dated January 6, 2010 and listed in Schedule "C" under "Stage 1A Tree Clearing") and TC-5 (dated September 27, 2010 and listed in Schedule "C" under "Stage 1B/1B-2 Tree Clearing and Construction of Amphibian Enhancement Area #1").
- 2.1.5 If during construction the tree preservation and construction fencing is breached, moved, or altered in any way, the Developer's Engineer shall prepare a report outlining the extent of the damage, breach, or alteration, remedial action taken or to be taken to remedy the damage, breach, or alteration to the satisfaction of the Town. The Developer shall implement the recommendations of the report and remedy the damage, breach, or alteration within 48 hours.

2.1.6 Upon completion of construction, tree protection fencing may be removed to facilitate the Installation of restoration programs.

2.2 Site Access Roads and Signage

2.2.1 The Developer shall Install and maintain access roads to the Lands only at the locations shown on the Tree Removal Control Plans, Stage 1A, 1B and 1C, Drawings 701A, dated May 6, 2010 and listed in Schedule "C" under "Stage 1A Grubbing/Stump Removal", and 702A, dated October 12, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas" and as per the detail provided on Drawing 705, dated July 13, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas". There shall be one access road (#3) constructed to be utilized for topsoil stripping and golf course construction, as shown on the above mentioned Drawings.

2.2.2 The Developer shall Install and maintain signage as per OTM Book 7 to the satisfaction of the Town Engineer.

2.2.3 The Developer shall Install and maintain site access location signage, as shown on the Plans and Specifications. The Developer shall also Install and maintain municipal 911 emergency notification signage as directed by the Town Engineer.

2.2.4 Construction Access Roads #1 and #2 will utilize the existing paved and gravel surface roadways which currently exist on the Lands.

2.2.5 All construction vehicles and other vehicles must enter and exit the Lands only from the approved access routes referred to in section 2.2.1.

2.3 Topsoil Removal

2.3.1 Topsoil shall only be stripped from the golf course area in accordance with the Plans and Specifications.

2.3.2 No topsoil shall be stripped from the golf course area until the required erosion and sediment control works have been Installed.

2.3.3 The Town acknowledges that as part of the topsoil removal, the Developer shall also be permitted to remove the hedgerow located within the golf course area which extends northerly from the southern limit of Plan 702A, dated October 12, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas".

2.4 Erosion and Sedimentation Control

2.4.1 The Developer shall Install all erosion and sedimentation control works as shown on Erosion and Sediment Control Plan 2 – Stage 1 – Drawing 702, dated September 29, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas", including but not limited to Installation of ESC Ponds E, F, G, H and I as well as the associated temporary swales, additional sediment control fencing and rock check dams as shown on Drawing 702.

2.4.2 All erosion and sedimentation control works shall be Installed in accordance with the Plans and Specifications, including but not limited to the Erosion and Sediment Control Plan Report – Stage 1, dated May 6, 2010 and listed in Schedule "C" under "Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas".

2.4.3 All disturbed ground that is to be left inactive for 30 days or more shall be vegetated, subject to weather conditions, by seeding or approved equivalent, as soon as the determination is made that the disturbed area will be inactive for 30 days or more. If conditions are not suitable for vegetation after 30 days, then areas are to be vegetated as soon as possible thereafter.

2.5 Mitigation Strategies

- 2.5.1 No construction activity or machinery shall be permitted beyond the tree preservation fencing, erosion and sediment control fencing, or limits of the Lands.
- 2.5.2 No equipment shall be refuelled, or maintenance of equipment performed within 100 metres of the marina basin, Lake Simcoe, existing drainage swales, or in close vicinity to existing trees to be preserved or sensitive environmental features.
- 2.5.3 Erosion and sedimentation control measures shall be implemented in accordance with the Plans and Specifications. Sediment control fencing shall remain in place until adequate groundcover has become established to prevent the erosion of the surface soils.
- 2.5.4 The Developer shall maintain all construction fencing, tree preservation fencing, and erosion and sedimentation control measures in working condition at all times. The Developer's Engineer shall routinely inspect the erosion and sedimentation control measures, a minimum of once per week and prior to and/or after each significant rainfall event or significant snow melt event to ensure that all erosion and sedimentation control measures are in proper working condition, and shall provide a written report of same to the Town's Engineer in a form satisfactory to the Town's Engineer. The written report shall be received with 48 hours of each inspection. The Developer shall repair any damage to construction fencing, tree preservation fencing, and erosion and sedimentation control measures within 48 hours of such damage occurring, or sooner as warranted.
- 2.5.5 No Works shall be undertaken in close proximity to the existing marina basin except for purposes of installing and maintaining erosion and sedimentation control measures and/or tree preservation fencing noted in this Agreement.

3. Temporary Buffers

- 3.1 The treed buffers of existing trees around the perimeter of the Lands shall be maintained as designated on the Tree Inventory and Clearing Plans listed in Schedule "C" under "Stage 1A Tree Clearing".

4. Monitoring Requirements

- 4.1 The Developer shall continue to undertake the monitoring requirements as described in the Plans and Specifications, listed in Schedule "C" under "Stage 1A Tree Clearing", as follows:
 - (a) Ecological Monitoring Program Matrix
 - (b) Monitoring Program Matrix Tree Removal Operations Stage 1A and 1B
 - (c) Tree Clearing Monitoring Program Matrix – Tree Clearing Stage 1A

5. Communications Plan

- 5.1 Prior to the commencement of any topsoil stripping, the Developer shall undertake the requirements of the Communications Plan as set out in Schedule "K".
- 5.2 Any information to be distributed pursuant to the Communications Plan to the public shall be reviewed and approved by the Town prior to distribution.

Stage 2 – Golf Course Shaping

6. Golf Course Shaping Pre-conditions

6.1 Amending Agreement

The Developer and the Town shall enter into an Amending Agreement which states the requirements based on the plans noted in paragraph 6.3 of this Schedule, which shall be registered on title to the Lands in priority to all other liens and encumbrances prior to commencement of golf course shaping.

6.2 Timing

Prior to entering into the Amending Agreement referred to in section 6.1 of this Schedule, the Developer shall justify the timing of such Works in the context of an overall construction schedule to the Town's satisfaction.

6.3 Peer Review of Supporting Studies

Prior to entering into the Amending Agreement referred to in section 6.1 of this Schedule, the following supporting studies shall be peer reviewed and approved by the Town (unless otherwise required by the OPA 17, Zoning By-law 029-05, the plan of subdivision approval, the conditions of draft plan approval, or otherwise by law):

- (a) all plans and studies required for Tree Cutting, grading and grubbing;
- (b) nutrient management plan (Town).

In exercising its discretion under this paragraph, the Town may consult with any government agency it considers appropriate and in giving its approval the Town may consider whether the approval of that agency has been obtained.

6.4 Monitoring Program

6.4.1 Prior to any work on golf course shaping, the following monitoring programs shall be initiated by the Developer:

- (a) all monitoring required for Tree Cutting to the satisfaction of the Town;
- (b) well monitoring to the satisfaction of the Town.

6.4.2 Prior to any golf course shaping work, the Developer shall remedy any negative effects identified through site monitoring, to the satisfaction of the Town.

6.5 Communications Plan and Site Activity Checklist

Prior to entering the Amending Agreement referred to in section 6.1 of this Schedule, the Developer shall amend the Communications Plan attached as Schedule "K" and the Site Activity Checklist attached as Schedule "J" to the satisfaction of the Town which must be endorsed by the CAO or his designate prior to commencement of work.

SCHEDULE "H"

SCHEDULE "H-2"

Security for Golf Course Shaping

Security for Stage 1 – Topsoil Stripping of Golf Course Outside of Treed Areas

1.	Sediment and Erosion Control Measures	\$ 339,459.00
2.	Re-vegetation	\$ 133,840.00
2.	Communications Plan	\$ N/A (Secured under Stage 1A Tree Clearing)
3.	Administrative Costs	\$ N/A (Secured under Stage 1A Tree Clearing)
SUBTOTAL		\$ 473,299.00
Contingencies		\$ N/A (Secured under Stage 1A Tree Clearing)
TOTAL VALUE OF LETTER OF CREDIT		\$ 473,299.00
TOTAL SECURITIES REQUIRED		\$ 473,299.00

Security for Stage 2 – Golf Course Shaping

1.		\$ _____
2.		\$ _____
3.		\$ _____
4.		\$ _____
5.	Communications Plan	\$ _____
6.	Administrative Costs	\$ _____
SUBTOTAL		\$ _____
Contingencies		\$ _____
TOTAL VALUE OF LETTER OF CREDIT		\$ _____
TOTAL SECURITIES REQUIRED		\$ _____

The estimate contained in this Schedule is for informational purposes only and shall not restrict the rights of the Town to draw on the cash or Letter of Credit up to the full remaining balance thereof to rectify any default, nor to require any increase in said Security as set out therein. If Town costs to rectify any default exceeds the value of the Letter of Credit, the Town may recover all costs and expenses incurred by the Town, whether directly or indirectly, with respect to the default or remedy thereof and collect such costs and expenses in like manner as municipal taxes.

SCHEDULE "I"

SCHEDULE "J"

Site Activity Checklist

See attached

SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
							SUBMISSION	APPROVAL		
1.1 Stage 1B/1B-2 Tree Clearing, Stages 1A, 1B/1B-2 Grubbing and Topsoil Stripping Stage 1A tree clearing – February to April 2010 Stage 1A grubbing and Golf Course topsoil Stripping – June 2010 to August 2010 Stage 1B + 1B-2 Tree clearing and grubbing – September 2010 to January 2011	i. timing justified in context of overall construction schedule			Town						<ul style="list-style-type: none"> Stage 1A clearing justified at this time
	ii. EA advanced to Council endorsement of preferred design			Town						<ul style="list-style-type: none"> To be satisfied upon Council endorsement of the pilot study
	iii. supporting studies peer reviewed									
	<ul style="list-style-type: none"> construction management plan (Stages 1A, 1B, 1B-2, 2, 3, 4) 	SCS	Town	LSRCA		<p>SCS to Update Construction Methodology for each Stage of Construction to support the update to the agreement. (stages include a)1A Grubbing + Golf Course Topsoil Stripping, b) 1B Tree Clearing)</p> <p>Treed buffers are not to be removed as a part of this stage.</p>	Stage 1A grubbing and golf course topsoil stripping – March 2010 Stage 1B +1B-2 clearing and grubbing - July 2010	Town – June 2010 Town - October 2010		Stage 1A clearing endorsed in accordance with the following plans: <ul style="list-style-type: none"> Tree Clearing Construction Methodology (Jan. 2010) Tree Removal and Control Plan 1 – Stage 1A and 1B 701A (Dec. 2009 stamped Jan. 8, 2010) Tree Removal and Control Plan 2 – Stage 1A and 1B 702A (Dec. 2009 stamped Jan. 8, 2010)
<ul style="list-style-type: none"> Erosion and Sedimentation Control master plan (Stages 1A, 1B, 1B-2, 2, 3, 4) 	SCS	Town	MOE, LSRCA	LSRCA (31a)	Tree protection fencing and erosion control must be provided for all vegetated edges in the golf course stripping areas.	Stage 1A grubbing, Golf course topsoil stripping March 2010 Stage 1B+1B-2 clearing and grubbing and earthworks outside of existing marina - July 2010	Town approval and LSRCA Permit - June 2010 Town – October 2010		Stage 1A clearing endorsed in accordance with the following plan: <ul style="list-style-type: none"> Erosion and Sediment Control Plan - Details 705 (Jan. 2010) Tree Removal and Control Plan 1 – Stage 1A and 1B 701A (Dec. 2009 stamped Jan. 8, 2010) Tree Removal and Control Plan 2 – Stage 1A and 1B 702A (Dec. 2009 stamped Jan. 8, 2010) Received LSRCA Permit for Stage 1B/1B2 & 1C Tree Clearing and earthworks/grubbing outside of existing marina basin on April 13, 2010 Commenting agencies to deal with Master ESC Plans provided in SWM and Monitoring Study, not detail staged ESC plans)	

* Where approval agencies other than the Town are shown, the approval agency’s approval is required in support of their permit.

** Commenting Agency with respect to clearance of related subdivision condition. Clearance of related subdivision condition may not be required with respect to staged site activities (e.g. County comments on ESC Plans are not required for Stage 1A tree clearing). Town to circulate documents to the commenting agencies.

SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
							SUBMISSION	APPROVAL		
	<ul style="list-style-type: none"> tree preservation plan 	Schollen	Town	LSRCA, County, MNR	(4n i)	<p>Schollen to follow up with LSRCA to clear condition</p> <p>Schollen to respond to Town comments</p> <p>Schollen (Stage 1C) - Additional tree inventory still required for the 10 m permanent buffer along BBP Rd. and the 8 m permanent buffer along the east side of property.</p>	<p>Stage 1A & Golf Course topsoil stripping March 2010</p> <p>Stage 1B+1B-2 clearing and grubbing and earthworks outside of existing marina July 2010</p> <p>Town – June 2010</p> <p>Town – October 2010</p>		<ul style="list-style-type: none"> Tree Clearing Plans TC-0 through TC-8 (Jan. 6, 2010) 	
	<ul style="list-style-type: none"> edge management plan 	Schollen	Town	County, LSRCA, MNR	(4n iii/31d)	<p>Schollen/SCS/IRPE – Survey work and grading impact assessment of EPA/Resort boundary required for Detailed Level Plan.</p>	<p>Feasibility Level (1A) – September 2009</p> <p>Feasibility Level (1B) – July 2010</p> <p>Detailed Level – Late Fall 2010</p> <p>Town – January 2010</p> <p>Town – October 2010</p> <p>Town – March 2011</p>		<ul style="list-style-type: none"> Feasibility Level edge management plan approval required prior to Stage 1B/1B-2 clearing. Once trees are cleared from Local Road, final Edge Management Plan can be prepared for this area. A permanent 6 m natural buffer, utilizing existing vegetation, is required along Block 16 adjacent to Block 5 EPA (per Cond. 14d). Edge Management plans will have to be provided for all newly created edges (including the length of the collector road) prior to the removal of buffers, Hazard tree assessments for all newly created edges will be required after clearing has been completed. The hazard tree assessments will be required to secure Subdivision approval. The Edge Management plans will need to be approved prior to Site Plan approval for the Golf Course and Marina Basin, and for the Engineering Design of the Collector Road. 	
	<ul style="list-style-type: none"> collector road impact study 	Beacon	Town (4b)	LSRCA, MNR,	(4n iii/31d)	<p>Beacon/SCS/Schollen (1B) – Preliminary design package including cross sections to be prepared and submitted for approval prior to tree clearing to the full width of the ROW to ensure feasibility of the alignment. Preliminary package is to address Butternut protection, amphibian crossing locations, preliminary grading and preliminary edge management strategies.</p>	<p>1st Submission November 2009</p> <p>2nd Submission July 2010</p> <p>Town – October 2010</p>		<ul style="list-style-type: none"> Required for Stage 1B tree clearing Butternut – MNR approval has been signed. 	

* Where approval agencies other than the Town are shown, the approval agency's approval is required in support of their permit.

** Commenting Agency with respect to clearance of related subdivision condition. Clearance of related subdivision condition may not be required with respect to staged site activities (e.g. County comments on ESC Plans are not required for Stage 1A tree clearing). Town to circulate documents to the commenting agencies.

SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
							SUBMISSION	APPROVAL		
	<ul style="list-style-type: none"> amphibian and reptile protection and enhancement plan 	Beacon	Town	LSRCA, MNR	(4n viii/31d)	Beacon - Address MMM peer review, MNR & LSRCA comments.	1 st Submission November 2009 2 nd Submission July 2010	Town – October 2010		<ul style="list-style-type: none"> required for Stage 1B or earthworks
	<ul style="list-style-type: none"> Enhancement Area #1 construction drawings butternut survey and management plan 	Beacon	LSRCA	Town, MNR			LSRCA/Town July 2010	LSRCA/Town - October 2010		<ul style="list-style-type: none"> Required for Stage 1B/1B-2 Tree Clearing LSRCA approved
	<ul style="list-style-type: none"> planting or reforestation/compensation plan 	Beacon	MNR	Town, County, LSRCA	(4n/31d)		November 2009	MNR Agreement – June 30, 2010 Town/MNR - October 2010		<ul style="list-style-type: none"> Site meeting with MNR on June 25, 2010 to review health assessment prior to tree clearing.
	<ul style="list-style-type: none"> iv. initiate monitoring 	Schollen	Town	County, LSRCA	(4n/31d)	ELC classification of Smurthwaite property required by LSRCA by Beacon Schollen - A reforestation Methodology Plan will have to be submitted and approved prior to commencing tree clearing in Stage 1B. This should include compensation calculation, planting densities, definitions of planting areas (woodlot areas within golf course, buffer and off property areas), species, management protocols, inspection and maintenance protocols, etc. This document will provide the basic recommendations for reforestation that will be applied to the final plans and report as part of the golf course site plan application and development area (for off property planting).	July 2010	Town – October 2010		<ul style="list-style-type: none"> Required prior to Stage 1B clearing Commitment to compensate to be secured through Agreement Identification of land parcel for off-site restoration by Geranium required prior to registration Parallel process being worked on for Methodology and Detailed Plan for potential new property

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
							SUBMISSION	APPROVAL		
1.2 Grading outside Marina (Including Golf Course and Public Haul)	<ul style="list-style-type: none"> water quality ebony spleenwort and shagbark hickory butternuts forest edges survivorship of reforestation (where relevant) breeding birds ESC measures 	Hutchinson Beacon Beacon Beacon/Schollen Beacon/Schollen Beacon SCS	Town			On-going				
	v. Town endorsement of public communication plan prepared by developer	Geranium	Town			Geranium – Update for Stage 1A Grubbing/Topsoil Stripping of Golf Course Update for Stage 1B / 1B-2	April 2010 July 2010	June 2010 October 2010		Plan for Stage 1A is satisfied
	vi. Permits/Agreements:									
	<ul style="list-style-type: none"> Permit under Ontario Regulation 179/06 obtained from LSRCA 	SCS / Beacon	LSRCA				April 2010	June 2010	Yes	Stage 1A clearing permit obtained Feb. 26, 2010 Stage 1B/1B2 & 1C Tree Clearing and earthworks/grubbing outside of existing marina basin permit obtained April 13, 2010
	<ul style="list-style-type: none"> Butternut Agreement 	Beacon	MNR				November 2009	June 2010	Yes	Agreement pending Minister's execution. Stage 1A complete
	vii. Pre-development agreement	Town	Town			Town to update for a) Stage 1A grubbing and golf course topsoil stripping, b) Enhancement Area #1 c) Stage 1B/1B-2 tree clearing and grubbing	a) March 2010 b) July 2010 b) July 2010	Town – a) June 2010 b) October 2010 c) October 2010		
	viii. Council resolution to authorize agreement	Town	Town			SCS to provide updated LC cost estimate for each stage			YES	Stage 1A complete
	ix. execution of agreement	Town	Town			Not required for updates to agreement			YES	
	x. Letter to County	Geranium	County			Staff level only after Stage 1A			YES	County acknowledgement of tree clearing (CODA 23.c) No further clearances required
	i. timing justified in context of overall construction schedule			Town						
ii. EA advanced to Council endorsement of preferred design			Town							
iii. supporting studies peer reviewed - same as 1.1 plus:										

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
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	<ul style="list-style-type: none"> construction management plan 	SCS	Town	LSRCA			October 2010	Town - Fall 2010		
	<ul style="list-style-type: none"> Erosion and Sedimentation Control master plan 	SCS	Town	MOE, LSRCA	LSRCA (31a)		October 2010	Fall 2010		Commenting agencies to deal with Master ESC Plans provided in SWM and Monitoring Study, not detail staged ESC plans.
	<ul style="list-style-type: none"> stormwater management and monitoring plan 	SCS / Hutchinson	Town, LSRCA	MOE	(4n xii/31a)	SCS/Hutchinson – revise report based on approved response to Town/LSRCA & MOE	November 2009 Final Submission October 2010	Town – Fall 2010		Approval required as portion of the report relates to grading. SCS responded to Town/LSRCA/MOE comments.
	<ul style="list-style-type: none"> grading and drainage plan (within SWM and Monitoring Report) 	SCS	Town, LSRCA	MOE	(31a)	No additional information is required for this stage	see above	Town – Fall 2010		Within SWM and Monitoring Plan
	<ul style="list-style-type: none"> geotechnical report for swm pond 	Golder / SCS	Town, LSRCA	MOE	(31a)		Town – October 2010	Town – December 2010		Technical Memo completed October 2008 to be updated with new information.
	<ul style="list-style-type: none"> archaeological assessment 	Geranium/Amick	MC	Town	(4n xi)				Yes	Required for earthworks only. Ministry has cleared the remainder of the site
	Resort Grading Plans	SCS	Town			Update preliminary Grading Plans	Town – October 2010	Town – December 2010		Rough Grading Plans
	Golf Course Grading Plans	Carrick	Town			Update preliminary Grading Plans	Town – October 2010	Town – December 2010		Rough Grading Plans
	iv. monitoring – same as 1.1 plus:									Require in Pre-grading and Preliminary Development Agreement
	<ul style="list-style-type: none"> wells (8.13.8.c.4.d) 	Golder				Develop work plan and submit to Town for review	Town – May/June 2010	Town- June 2010	Pending	Plan required for Stage 1A Grubbing/Topsoil removal of Golf Course, per Schedule H-1 of the Pre-Development Agreement
	<ul style="list-style-type: none"> amphibians 	Beacon	Town	Town		Amphibian monitoring program completed as per monitoring matrix	January 2010	Approved	Yes	Add wells on site in addition to monitoring private wells to establish baseline. Monitoring program has commenced in April 2010. On-going discussion with Town Re: monitoring results and methodology Approved - See Section 1.1 vi.)
	v. Permit under Ontario Regulation 179/06 obtained from LSRCA	SCS / Beacon	LSRCA						Yes	
	vi. Town endorsement of public communication plan prepared by developer	Geranium	Town				October 2010	Town – December 2010		

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS	
							SUBMISSION	APPROVAL			
1.3 Marina Basin Excavation Coffey Dam and Dewatering – Summer/Fall 2011 Marina Excavation – Fall 2011 to Fall 2012 Golf Course Shaping (Spring 2011 to Fall 2012) *No in water works April 1 to June 30	vii. Pre-development agreement	SCS	Town			Town to update for a) Construction of Haul Road, b) Grading of Golf Course and Marina Resort Area outside of existing marina	October 2010	Town – December 2010			
	viii. Council resolution to authorize amendment of agreement			Town		Not required for updates to agreement				subject to agency reviews	
	ix. execution of agreement					Staff level only after Stage 1A					
	i. timing justified in context of overall construction schedule			Town							
	ii. EA advanced to Council endorsement of preferred design			Town							
	iii. supporting studies peer reviewed – same as 1.2 plus:										
	• construction management plan	SCS	Town	LSRCA				Fall 2010	Town - December 2010		
	• Erosion and Sedimentation Control master plan	SCS	Town	MOE, LSRCA	LSRCA (31a)			Town – Fall 2010	Town - December 2010		Commenting agencies to deal with Master ESC Plans provided in SWM and Monitoring Study, not detail staged ESC plans
	• Marina basin management plan (Adaptive Management Plan)	Hutchinson / Shoreplan		Town, LSRCA (delegated authority)	TC (exemption/ approval), MOE, DFO (if applicable)	(4n ix/8)	Shoreplan – to confirm that TC does not need to approve this study	Town/LSRCA October 2010	Town/LSRCA October 2010		Plan to address primarily water quality and environmental/ecological issues and will include a fisheries and aquatic vegetation management plan, rate species plan and nutrient management plan. *Operational components to included in the marina basin detailed design assessment.*
	• Marina basin detailed design assessment (ENTRANCE ONLY, INCLUDING COFFER DAM)	Shoreplan		Town, MNR, LSRCA (delegated authority), & Transport Canada (exemption/ Approval)	MOE, DFO (per Pre. Dev. Agmt. Sched. G-1, 1.3c) (if applicable)	(4n x/8)	2D channel infill model complete February 28, 2010 Cofferdam design complete	MNR/TC/ LSRCA March 16/20/23, 2010 Town March 25, 2010	Town/MNR/ LSRCA – October 2010		LSRCA Permit - approx. 3-6 months MNR Permit (Public lands Act) – 1 month after LSRCA permit issued NWPA (TC) – exemption (or approval) – 3 months DFO (if HADD triggered) – 3-6 months

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
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	<ul style="list-style-type: none"> Marina basin detailed design assessment (SHORE WALLS AND INTERNAL MARINA) 	Shoreplan	Town, LSRCA (delegated authority), & Transport Canada (exemption/ approval)	MOE, DFO (per Pre. Dev. Agmt. Sched. G-1, 1.3c) (if applicable)	(4n x/8)	Add ramp, island wall details, bottom grading Shoreplan – to confirm that TC does not need to approve this study	October 2010	Town/ LSRCA – December 2010	LSRCA Permit - approx. 3-6 months NWPA (TC) – exemption (or approval) – 3 months DFO (if HADD triggered) – 3-6 months	
	<ul style="list-style-type: none"> Coastal engineering study 	Shoreplan	Town	MNR, LSRCA, DFO (if applicable), Transport Canada	(31c)	Town - to provide comments, currently being reviewed.	MNR/TC/ LSRCA March 16/20/23, 2010 Town March 25, 2010	Town – October 2010		
	<ul style="list-style-type: none"> Marina Basin Fisheries Management Plan 	Beacon/HESL	LSRCA/ DFO (if applicable)	Town	(31i)		October 2010	January 2011		
	<ul style="list-style-type: none"> Hydrogeological study 	Golder	Town, LSRCA, MOE	County	(31b)		LSRCA/MOE January 2011	LSRCA/MOE April 2011	Preliminary Report completed in 2008 needs to be updated.	
	<ul style="list-style-type: none"> Water Balance and Budget 	Golder	LSRCA	Town, MOE			LSRCA - January 2010	LSRCA – April 2010	Preliminary Report completed in 2008 needs to be updated.	
	<ul style="list-style-type: none"> Rare Species Transplantation Plan 	Beacon	Town	LSRCA			Town – September 2010	Town – October 2010	**Anticipated move of species in October 2010** No permit required for proposed works.	
	<ul style="list-style-type: none"> Aquatic Vegetation Management Plan 	HESL	LSRCA	Town	(4 n viii)		LSRCA - October 2010	LSRCA – January 2011		
	<ul style="list-style-type: none"> Detailed phosphorus budget 	HESL	LSRCA	Town, MOE	(31e)	Separate report done for Hearing updated and given to LSRCA August 2009. Town to provide comments. Hutchinson – Provide response to MOE comments	LSRCA - March 2010	LSRCA – December 2010	1 st Submission complete, response to agency commence to be submitted by October 2010.	
	<ul style="list-style-type: none"> Environmental monitoring program 	HESL	Town	LSRCA, MOE	(31e)	Components completed – in marina basin management, golf course management and SWM reports	Town - October 2010	Town – February 2011	Completed in marina basin management, golf course management plans – see above. These will be consolidated into one report to be referred to as “ Consolidated Aquatic Monitoring Program ” in order to cover all aspects of the design in one document. Monitoring plan to completed in phases coincident with the construction program.	

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	<ul style="list-style-type: none"> Nutrient management plan (Golf Course) 	AECOM	LSRCA, Town (per Pre. Dev. Agmt. Sched. H-1, 1.3b)	MOE	(31e)		Town – October 2010	LSRCA – February 2011		
	lv - Permits									
	<ul style="list-style-type: none"> Permit under Ont. Reg. 179/06 (Marina Entrance) 	Shoreplan/Beacon/HESL	LSRCA				LSRCA - March 23, 2010	LSRCA – June 2011		
	<ul style="list-style-type: none"> Permit under Ont. Reg. 179/06 (Marina Basin Excavation) 	Shoreplan/SCS/Beacon/ HESL	LSRCA			Permit application to be submitted following approval of permit for excavation of area outside of existing marina Confirm maximum time allowed for MOE permit - request 3 year timeframe	LSRCA - November 2010	LSRCA – January 2011		
	<ul style="list-style-type: none"> Permission To Take Water under O.Reg. 387/04) 	Golder	MOE				MOE - January 2010	MOE - March 2011		Include request to re-fill marina following construction.
	<ul style="list-style-type: none"> Section 32 of Fisheries Act 	Beacon	DFO							
	<ul style="list-style-type: none"> Fish Collection Permit 	Beacon	MNR							
	<ul style="list-style-type: none"> Fish Stocking Permit 	Beacon	MNR							
	<ul style="list-style-type: none"> Public Lands Act (land acquisition) 	Shoreplan	MNR	LSRCA/TC/ Town						
	<ul style="list-style-type: none"> Public Lands Act (construct on shorelands permit) 	Shoreplan	MNR	LSRCA/TC/ Town						
	<ul style="list-style-type: none"> Navigable Waters Protection Act 	Shoreplan	Transport Canada (exemption or approval)							Possible exemption
	<ul style="list-style-type: none"> Letter of Advice – Section 35 Federal Fisheries Act Compliance 	Beacon	LSRCA/DF O(if applicable)							
	v. Monitoring – same as 1.1 plus:		Town							Require in Pre-grading and Preliminary Development Agreement
	<ul style="list-style-type: none"> Wells Amphibians rare aquatic plants 						-	-		
	vi. Town endorsement of public communication plan prepared by developer	Geranium	Town				Town - November 2010	Town – February 2011		

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
							SUBMISSION	APPROVAL		
	vii. Pre-grading and preliminary development agreement		Town			Town to update for a) Construction of coffer dam. b) Dewatering of existing marina and excavation of new marina basin	Town - January 2010	Town - April 2011		
	viii. Council resolution to authorize amendment of agreement			Town		Not required for updates to agreement				subject to agency reviews
	ix. execution of agreement			Town		Staff level only after Stage 1A				

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SITE ACTIVITY	PREREQUISITES / CONDITIONS	LEAD CONSULTANT(S)	APPROVAL AGENCY *	COMMENTING AGENCY **	DP Condition (#)	ACTION REQUIRED	TIMELINE		CONDITION SATISFIED	COMMENTS/STATUS
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2.1 Subdivision Agreement	i. supporting studies									
	<ul style="list-style-type: none"> Functional Servicing Plan 	SCS	Town		(4n xiv)	SCS - update Function servicing plan with current Master Plan to ensure all proposed servicing and grading solutions proposed reflect the Master Plan.	December 2010	February 2011		
	<ul style="list-style-type: none"> Utilities Plan 	RTG	Town		(4n xv)	RTG - submit Utilities Plan which will address internal and external utility needs.	December 2010	June 2011		
	<ul style="list-style-type: none"> Comprehensive Streetscape Plan 	Schollen	Town		(4n xvi)	Schollen - submit final streetscape plan.	November 2010	June 2011		
	<ul style="list-style-type: none"> Urban Design and Architectural Control Guidelines 	DCYSA	Town		(4n xvii)		November 2010	June 2011		
	<ul style="list-style-type: none"> Landscape Plans 	Schollen	Town		(4n xviii)	Schollen – submit a landscape plan showing street trees along public ROW's	November 2010	June 2011		
	<ul style="list-style-type: none"> Detailed Servicing Implementation Plans 	SCS	Town		(4n xx)		December 2010	June 2011		
	<ul style="list-style-type: none"> Transportation Plan – Internal 	BA Group	Town		(4k)		December 2010	February 2011		
	<ul style="list-style-type: none"> Transportation Plan – External 	BA Group	Town		(4k)		December 2010	February 2011		
	<ul style="list-style-type: none"> Trails Impact and Management Study 	Schollen	Town	LSRCA	(4n iv/31d iii)		October 2010	June 2011		
	<ul style="list-style-type: none"> Open Space and Trails Plan 	Schollen	Town		(4n xiii)		December 2010	June 2011		
	<ul style="list-style-type: none"> Environmental Education Brochure 	Geranium	Town		(4n xiii)		December 2010	June 2011		
	<ul style="list-style-type: none"> Detailed Engineering Drawings 	SCS	Town				February 2011	June 2011		
	<ul style="list-style-type: none"> Phase 4 EA Complete 	Town						January 2011		
	<ul style="list-style-type: none"> Phasing Plan 	Geranium	Town		(23 b)		November 2010	February 2011		
	<ul style="list-style-type: none"> Phase 1 & 2 ESA for lands conveyed to the Town 	Golder	Town		(24 d)		January 2011	June 2011		
	2.2 Subdivision Registration									

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	<ul style="list-style-type: none"> Land Acquisition / Dedication for Compensation 	Geranium / Schollen	Town	LSRCA			December 2010	March 2011		
	<ul style="list-style-type: none"> Grant Sanitary and Water Allocation 	Town	Town		(4m)		January 2011	June 2011		Will be known upon completion of Phase 4 EA
	<ul style="list-style-type: none"> Establish Architectural Advisory Committee 	Geranium	Town		(3f)		March 2011	June 2011		
	<ul style="list-style-type: none"> Area Specific Development Charge 	Geranium	Town		(12c & 17)		January 2011	June 2011		SCS to forward Figure depicting areas which may benefit from proposed infrastructure.
	<ul style="list-style-type: none"> Zoning By-Law 	Geranium	Town		(7)	Completed			Yes	
	<ul style="list-style-type: none"> Site Plan Control By-Law 	Geranium	Town		(13)	Ross to put forward to council for approval	September 2011	October 2011		
	<ul style="list-style-type: none"> Hydro Agreement 	RTG/Geranium	Innisfil Hydro		(35a)		March 2011	June 2011		
	<ul style="list-style-type: none"> Neighbourhood Concept Plans 	DCYSA	Town		(3d)		February 2011	May 2011		
	<ul style="list-style-type: none"> Resort Management Plan 	Davies Howe	Town		(4d)	Review existing and update	January 2011	March 2011		
	<ul style="list-style-type: none"> Public Street Names 	Geranium	Town		(20c)	Town to provide Geranium with list of approved street names	January 2011	March 2011		
	<ul style="list-style-type: none"> Convey Hydro Substation Block 	Geranium	Town/Innisfil Hydro		(27)		May 2011	June 2011		Final location of sub-station to be determined
	<ul style="list-style-type: none"> Encroachment Agreement for Collector Road 	Geranium	Town			Provide agreement to allow private stormwater forcemain within public ROW.	May 2011	June 2011		To be completed upon detailed design of Public Road.

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SCHEDULE "J"

SCHEDULE "K"

Communications Plan

See attached

Communications Strategy Outline for Stage 1B/1B2 Tree Clearing & Amphibian Enhancement Area #1

1) Introduction

Innisfil Staff are considering a request by Geranium Corporation to permit the second stage of tree clearing of parts of the Big Bay Point Resort property, and construction of the first of three amphibian enhancement areas. This work is a necessary step in the construction of the resort. The works on the site are expected to begin at the end of October with an anticipated completion date at the end of 2010.

A bulletin containing relevant factual background on site preparation works, will be made available to local residents' groups, members of the public and relevant Provincial Agencies once the Town has approved the drawings and other submittals related to this phase (See "Target Audiences").

A copy of the bulletin and approved drawings in support of the works will be posted on the Town of Innisfil web site at www.innisfil.ca and further site development information will be available at www.geraniumcorporation.com/developments.

2) Objectives of the Communication Plan

- To clearly, concisely, accurately and transparently inform all interested parties of the staff approval of upcoming site works;
- To continue and enhance the Town of Innisfil and Geranium's efforts at consultation and openness regarding the Big Bay Point Resort development.

3) Key Considerations

Immediately following the approval of the works, this second stage of the communications strategy will be implemented by Geranium. This will include the release of an information bulletin, detailing the relevant facts related to this phase of site preparation including the anticipated start and completion dates of this phase of work, the scope of this work as currently proposed, the anticipated next steps for the resort development as well as their anticipated timing, and contact information at both Geranium Corporation and the Town of Innisfil. In addition, the bulletin will briefly outline the works completed to date at the resort.

4) Target Audiences

- Innisfil District Association
- Linda Street Residents Association
- Residents of Innisfil Association
- Sandy Cove Acres Homeowners Association
- Innisfil Chamber of Commerce
- all citizens of Innisfil, and in particular residents of the Big Bay Point area
- County of Simcoe council members and relevant staff
- local provincial and federal members of the legislature and parliament
- relevant provincial and cabinet ministers
- relevant provincial and staff
- Lake Simcoe Region Conservation Authority

5) Implementation Methods

(The strategies describe in general terms how the objectives will be reached, and how the messages will be communicated, the tactics provide the specifics. For example, a strategy might be "reach the national news media" and the supporting tactic could be "hold a news conference in the National Press Theatre").

Strategy: disseminate correspondence regarding ongoing works as widely as possible immediately following the approval by Town Staff.

Tactics:

- email to all known members of local citizens groups as well as to the groups themselves via their web sites;
- email to Innisfil Chamber of Commerce, County of Simcoe council members and relevant staff, local provincial members and MNR, MOE and MMAH staff, and staff and board of the LSRCA;
- mail drop of the information bulletin to all property owners within a pre-determined distance from resort property, directing them to where they will find subsequent updates, to the satisfaction of the Town;
- posting of appropriate signage on Line 13 South and along Big Bay Point Road; and
- posting of the information bulletin and approved drawings and documents for this stage of works on the Town of Innisfil website.

6) Timelines

Information dissemination will be undertaken as outlined in Section 3 above, immediately after Town approval of the proposed works.

7) Stage 2 Communications Strategy

Geranium Corporation commits to developing an ongoing communications strategy in consultation with the Town of Innisfil to keep residents informed throughout the development of the project. The subsequent stages of the communications strategy will be the subject of further discussion with the Town of Innisfil.

Communications Strategy Outline for Stage 1A/1B/1B2 Grubbing/Stump Removal, Topsoil Stripping of Non-treed Areas of Golf Course

1) Introduction

Innisfil Staff are considering a request by Geranium Corporation to permit the clearing and grubbing of parts of the Big Bay Point Resort property, as well as the topsoil stripping within the non-treed areas of the golf course. This work is a necessary step in the construction of the resort. The above noted site works are expected to begin in December 2010 with an anticipated completion date of the spring of 2011.

A bulletin containing relevant factual background on site preparation works will be made available to local residents' groups, members of the public and relevant Provincial Agencies once the Town has approved the drawings and other submittals related to this phase (See "Target Audiences").

A copy of the bulletin and approved drawings in support of the works will be posted on the Town of Innisfil web site at www.innisfil.ca and further site development information will be available at www.geraniumcorporation.com/developments.

2) Objectives of the Communication Plan

- To clearly, concisely, accurately and transparently inform all interested parties of the staff approval of upcoming site works;
- To continue and enhance the Town of Innisfil and Geranium's efforts at consultation and openness regarding the Big Bay Point Resort development.

3) Key Considerations

Immediately following the approval of the works, this second stage of the communications strategy will be implemented by Geranium. This will include the release of an information bulletin, detailing the relevant facts related to this phase of site preparation including the anticipated start and completion dates of this phase of work, the scope of this work as currently proposed, the anticipated next steps for the resort development as well as their anticipated timing, and contact information at both Geranium Corporation and the Town of Innisfil. In addition, the bulletin will briefly outline the works completed to date at the resort.

4) Target Audiences

- Innisfil District Association
- Linda Street Residents Association
- Residents of Innisfil Association
- Sandy Cove Acres Homeowners Association
- Innisfil Chamber of Commerce
- all citizens of Innisfil, and in particular residents of the Big Bay Point area
- County of Simcoe council members and relevant staff
- local provincial and federal members of the legislature and parliament
- relevant provincial and cabinet ministers
- relevant provincial and staff
- Lake Simcoe Region Conservation Authority

5) Implementation Methods

(The strategies describe in general terms how the objectives will be reached, and how the messages will be communicated, the tactics provide the specifics. For example, a strategy might be "reach the national news media" and the supporting tactic could be "hold a news conference in the National Press Theatre").

Strategy: disseminate correspondence regarding ongoing works as widely as possible immediately following the approval by Town Staff.

Tactics:

- email to all known members of local citizens groups as well as to the groups themselves via their web sites;
- email to Innisfil Chamber of Commerce, County of Simcoe council members and relevant staff, local provincial members and MNR, MOE and MMAH staff, and staff and board of the LSRCA;
- mail drop of the information bulletin to all property owners within a pre-determined distance from resort property, directing them to where they will find subsequent updates, to the satisfaction of the Town;
- posting of appropriate signage on Line 13 South and along Big Bay Point Road; and
- posting of the information bulletin and approved drawings and documents for this stage of works on the Town of Innisfil website.

6) Timelines

Information dissemination will be undertaken as outlined in Section 3 above, immediately after Town approval of the proposed works.

7) Comprehensive Communications Strategy

Geranium Corporation commits to developing an ongoing communications strategy in consultation with the Town of Innisfil to keep residents informed throughout the development of the project. The subsequent stages of the communications strategy will be the subject of further discussion with the Town of Innisfil.