

Since our April 6, 2011 prehearing Nyon has undertaken the following:

1. Meetings:

- a. Solar meetings – April 15 and May 12 – to discuss anticipated capacity, process and development of conceptual plan
- b. June 2 meeting with municipal representatives to discuss status and agreements
- c. Several conference calls in the month of July/August with Upper Canada Consulting to discuss the status of the Floodplain Mapping and Analysis
- d. July 22, 2011 conference call with municipal representatives
- e. August 23, 2011 meeting with municipal representatives to discuss Upper Canada Consulting's Floodplain Report recommendations
- f. Multiple correspondence with municipal representatives re status of project, next steps, results of council meetings/session/directions
- g. September 12, 2011 – Nyon appears before Council for the City of Port Colborne for the purpose of updating Council

2. Revisions to Concept plan

- a. Reviewed soil classification
- b. To incorporate solar concept – revised northern parcel to a north south direction for both solar and green industries to take advantage of solar exposure and accommodate Floodplain Report results
- c. Incorporated rail input from rail expert (A.J. Clarke)
- d. Removed stormwater management ponds – awaiting input from SWM report
- e. Removed docking facility – based on proposed piping system
- f. Relocated pumping and foam houses

3. Studies

- a. Correspondence with consultants that undertook preliminary environmental studies that were submitted to the municipality (noise, air, hydrogeology and traffic) to collect the relevant background information. There has been some difficulty in collecting this information
- b. Nyon putting studies on hold until developability of the site had been determined through the floodplain study. Report was submitted to NPCA on August 29, 2011 - Awaiting confirmation from NPCA on their preliminary approval of proposed recommendations.
- c. Proposals have been collected for the remaining agreed upon studies so once approval is received from NPCA studies can be initiated
- d. In May worked on solar component – conceptual plan, anticipated capacity and generation in order to prepare draft agreement with the City

4. Regional Application (“ROPA”)

- a. Received a direction letter from Region on April 20, indicating that a new application and additional studies were required, in order to move this application forward. This was not the direction that had been previously discussed and was not the understanding of the municipal representatives
- b. Several discussions with regard to the Region’s stated position in its April 20th letter
- c. Formal response letter sent to Region on August 29, 2011, indicating that further discussion is warranted as there isn’t agreement on the need for a new file/application

5. General

- a. Followed up on comments received from residents at last prehearing including:
 - i. Municipal drains – looked at through the floodplain analysis and discussed with municipal representatives
 - ii. Potential impact of proposed development in Dain City. Developments have been approved but have requested extensions. This will be further assessed in the planning rationale report to

ensure appropriate distance separation is achieved and to minimize any potential negative impacts

- iii. Reviewed Property Protection Plan Agreement Precedents