

## **PART I: INTRODUCTION AND CONTEXT**

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The background information contained within Part I of this document informs the official Land Use Plan, which is Part II of this document. The purpose of the Plan, its jurisdiction, the plan development process, a description of the Port and its context, municipal jurisdiction and relationships, and the opportunities and challenges that were identified through this planning process and have informed the development of the plan, are all detailed in Part I.

Part II outlines the Planning Principles and the Land Use Policies that are presented in Section Three of this report. Part III presents a wider community vision within which the HPA will seek to fit, and contribute to, through implementation of this Land Use Plan.

The Hamilton Harbour, formerly known as Burlington Bay, is a naturally protected, landlocked body of water that was created during the last glaciation period, at the western-most end of Lake Ontario. It was once a rich, productive and balanced freshwater ecosystem dominated by marshlands along the low-lying southern shoreline. This shoreline was once heavily indented by inlets that received a number of smaller creek systems originating on the Niagara Escarpment. Today three main tributaries – Grindstone, Red Hill and Spencer Creeks, drain into the harbour. The Niagara Escarpment and Cootes Paradise are the other two prominent natural features in the area.

The Port of Hamilton has 195 hectares of industrial, commercial and recreational land, 15 commercial wharves and 11 kilometres of shipping berths. These holdings are primarily located within the City of Hamilton, with smaller holdings in the City of Burlington. The Port of Hamilton is one of the largest commercial ports in Canada.

An overview of its land, water base and context is provided in Map One. Access is provided through the Burlington Canal at the easterly end of the harbour. The shipping season usually lasts approximately nine months, constrained by the closure of the St. Lawrence Seaway each winter.

### **1.1.Purpose of the Land Use Plan**

The transition of the Hamilton Harbour Commissioners (HHC) into the Hamilton Port Authority (HPA), as of May 1<sup>st</sup>, 2001, included the legislated requirement to prepare a Land Use Plan that contains objectives and policies for the development of the property that the HPA manages, holds or occupies. The Canada Marine Act requires that:

- the Plan take into account relevant social, economic and environmental matters to ensure that the Port Authority is responsive to the context in which it operates;
- City planning regulations that apply to Port lands and neighbouring lands also be considered, such that Port planning demonstrates recognition of the potential impacts of port activities on adjacent uses; and
- the process of preparing the Land Use Plan include a component of public consultation.

The HPA recognizes that having a clear vision for its future is an essential precondition to creating a valid Land Use Plan that has relevance and longevity. A clear vision will ensure that the Port is able to match desired Port functions to available Port facilities. As a result, the Land Use Plan preparation process began with a corporate brainstorming session to define a Strategic Vision for the future of the Port. Key elements of this vision, as identified by the HPA, include:

- promoting Hamilton Harbour as a diverse and dynamic environment that supports a mixture of uses;
- embracing new technologies that support new port activities;
- placing an emphasis on partnerships with all levels of government, community groups and environmental organizations, other Ports, and other industries;
- thinking about business development in terms of the ‘new economy’; and
- taking full advantage of the location of the Port in the context of the Golden Horseshoe region, which extends around the western perimeter of Lake Ontario.

This vision recognizes the Port’s existing strengths and seeks to orient its energies in a common direction, opening up opportunities and serving as a catalyst for the changes needed to ensure long-term success.

Building upon this vision, this Plan creates a framework for land use planning that will guide current and future decision-making of the HPA. It seeks to:

- identify constraints and opportunities for the development of the Port;
- promote the consolidation and strengthening of existing uses;
- identify directions for Pier 15 and Eastport, areas with the most significant development potential;
- engage and support current and future environmental initiatives;
- provide a more detailed design concept for Fisherman’s Pier so that development pressures for this site can be addressed in a manner that is consistent with the overall

vision of the Port and its approach to Land Use Planning.

## 1.2. The Port of Hamilton: Key Facts and Characteristics

### 1.2.1. History of the Hamilton Harbour

#### *Settlement*

The Hamilton Harbour was recognized by early settlers as a unique environment that could both provide enjoyment for residents and serve practical needs through the use of water for transportation and industrial purposes. In 1823, a canal was cut through the beach strip which opened the harbour to mercantile shipping. Several decades later, when the railway terminus on the harbour front was developed, commercial traffic increased significantly. Passenger service also increased in the mid-19th century, due to continued immigration. Following Confederation in 1867, Hamilton Harbour flourished as local industries began to establish their companies on the shore. The convenient access to water for industrial processes as well as easy access to shipping created the ideal climate to foster industrial expansion of the waterfront.

In 1912, as port activities and the harbour itself continued to become more complex, the Federal Government created the Hamilton Harbour Commissioners (HHC) to take over the administration of the Harbour from the City of Hamilton. Thus began a period of extensive harbour filling to create significant new piers to accommodate the rapidly expanding industrial use of the harbour.

#### *Industrial Development*

In the years immediately following World War I, shipping increased dramatically as the Commissioners expanded port activities and encouraged development of industrial harbour sites. Some key initiatives included:

- The construction of new docks and warehouses at the foot of Catherine Street, in 1912, and the building of a revetment wall from Catherine to Wellington, and then to Burlington Street;

- The development of the first official Harbour Development Plan in 1919, which was adopted by both the Port and the City of Hamilton;
- In the 1920s, the building of warehouses at the foots of Wellington and Wentworth Streets;
- The widening and deepening of the Burlington Canal and the dredging of the Ottawa Street channel to accommodate large vessels, which resulted in a doubling of harbour tonnage from 1929-1934;
- During the Second World War, new docks were built, dredging was intensified, and roadways were extended;
- Following the war, large brick warehouses were built at the foot of Pier 10, reclamation of 7 hectares was undertaken of waterfront property between Emerald and Wentworth Streets, and the Port of Hamilton soon became Lake Ontario's primary port;
- In 1951, the Commissioners purchased property at the foot of James Street and several years later began construction of its current offices;
- As a result of an adjustment of the original Harbour Headline in 1957, 400 hectares along the Beach Strip bay side water lots were acquired and targeted for reclamation;
- Between the 1950s and 60s, significant new freight terminals and piers were built;
- In 1965, the Port hosted the prestigious Seaway Day conference and embarked on an aggressive marketing campaign;
- Eastport, considered a primary achievement of the Harbour Commissioners in the latter half of the 20<sup>th</sup> century, involves the development of new pier numbers 25, 26 and 27. Eastport is a 50 hectare area of land located on the Harbour side of the Beach strip.

In the first half of the 20<sup>th</sup> century, the harbour became the site of a vital modern port. The latter half of the 20<sup>th</sup> century has seen the Harbour continue to develop as an internationally renowned industrial shipping centre. The opening of the Welland Ship Canal in 1932 brought a tremendous boost in shipping to Hamilton industry. In 1959, the St. Lawrence Seaway opened, and shortly thereafter cargo tonnage was higher in Hamilton than at any other Canadian or U.S. Port on the Great Lakes.

### *Recreational Development*

Since its inception, the HHC has maintained its involvement in recreational activities. In 1919 the Commissioners were instrumental in establishing an official swimming area for residents. At the foot of James Street in 1938, they constructed a marine railway and dockyard for the use of pleasure boaters and small commercial craft. The purchase of the SS Hamiltonian and the operation of a pedestrian ferry service was a key recreational element that began in 1944. The summer of 1975 saw the HHC launch its Sailing School, which is now recognized as one of the foremost sailing and powerboating schools in the country. In 1984, the HHC donated 2.75 hectares in the west harbour to the City of Hamilton specifically for park purposes. Pier 4 Park opened in 1993.

### *Environmental Decline*

The good news story of the development of the Hamilton Harbour for significant industrial purposes over the past several years has been accompanied by significant environmental degradation. From 1850-1982 the filling of waterlots with dredged material decreased the harbour water surface area by 22%. And as early as 1930, a bylaw was passed that prohibited swimming in the harbour. Water quality had been violated by both combined sewer overflows and industrial pollution, and public access to the shoreline had been compromised by infill. Fish and wildlife habitats were lost and the environment had become hostile to existing bird and wildlife populations. Negative environmental impacts also extended to the residential populations that live within the vicinity of the Port.

### *Remediation*

Despite this extended period of environmental decline, the HPA now engages with dynamic environmental organizations, and is one of the original members of the Hamilton Harbour Remedial Action Plan. Utilizing the latest thinking and approaches to environmental assessment and remediation, the objective of this broad coalition of organizations is to create a safe and healthy harbour environment.

Some key initiatives have included:

- habitat restoration and the creation of new fish and wildlife habitat features;
- reductions in combined sewer overflows;

- reopening of beaches as a result of improved water quality; experimental sediment remediation technologies and preparatory work for a sediment removal and treatment project;
- production of watershed management plans;
- upgrades to wastewater treatment plants;
- increases in public access to the Harbour;
- pursuit of solutions to the Randle Reef contamination issue; and
- monitoring, research and management of harbour-related issues continues.

And while not an identified Remedial Action Plan project, the HHC was the lead agency and proponent for the clean-up of the Windermere Basin area in the late 1980s.

The creation of the Remedial Action Plan in 1992 was indicative of a new and more progressive approach to interacting with the harbour's ecosystem. As systems for understanding the levels of contaminants in the water and the impacts various uses have had on the health of the harbour have become more sophisticated, it has become possible to make changes to the management of the harbour that better respect its environmental context. This Land Use Plan is a reflection of this shifting approach and seeks to combine the strong tradition of industrial vitality and recreational activities with environmental health.

## 1.2.2. Port Activities

### *Cargo Flows and Shipping*

With approximately 8,950 metres of docking facilities, some 700 ships call at the Port each year. During the 2000 shipping season, 509 domestic vessels called at the port, as did 192 foreign vessels. Although there is some variation from year to year depending upon economic conditions and the operations of various port tenants, the port handles an average of 12 million metric tonnes of cargo annually, a figure which has been relatively stable over the past 20 years (recognizing shifts in cargo trends). In 1999, the port handled 21 percent of all cargo destined for Canadian Great Lake ports via the St Lawrence Seaway.

Most of the cargo throughput at the Port of Hamilton is bulk goods, particularly those related to the steel industry, such as iron ore and coal. However, other significant commodities include salt, petroleum products, and bulk agriculture products. Inbound cargos consistently account

for more than 90 percent of the total tonnage handled at the port each year. Cargo revenues fell slightly from 1998 to 1999, but the port maintained revenues of \$12.9 million in 1999.

As a diversified and significant operation, the port offers a full suite of facilities to shippers, including terminals for dry and liquid bulk cargos, warehouses, heavy lift cargo cranes, a “roll-on roll-off” berth, and container handling equipment. The port also offers a complete set of support services including customs, dry docking, barges, tugboats, and ship chandlery. The port invests significantly in its major maintenance activities, particularly dredging and dock wall maintenance, and activities that ensure the on-going functionality of all of the port’s piers.

### *Tenants*

More than 100 tenants operate on lands owned by the Port Authority in a diverse set of industries including liquid bulk such as petroleum products, vegetable oil, and fertilizer, dry bulk including salt, fertilizer, and grain steel storage, scrap metal, manufacturing and repair facilities, warehousing and distribution, and various support industries. Some of the tenants with large operations include Dofasco, Vopak, CanAmera Foods, Shell Canada, Federal Marine Terminals, United Storage, Poscor Mill Services, Sylvite, Steelcare, James Richardson International, Agrico, McKeil Marine and Newcastle Logistics. Some of these users have been at the port for many years, but the port also continues to attract new users and tenants to its piers.

### *Water Uses*

The Burlington shoreline is characterized by residential neighbourhoods and, in terms of water activity, LaSalle Park Marina and Burlington Boating and Sailing Club. A boardsailing launching area near the Canada Centre for Inland Waters ensures that boardsailing remains a key recreational activity in this area. Slightly farther south is the Burlington Ship Canal, the entry point for pleasure boats and commercial ships entering the harbour from Lake Ontario and the St Lawrence Seaway System.

The west harbour is primarily a recreational area. Leander Boat Club uses the near shore area from Princess Point to Bayfront Park as a training and racing route. Sailboat racing takes place throughout the “Bay”. An ice boating launching facility is located at the Hamiltonian Pier in Pier 4 Park. Protected fish and wildlife habitats exist at LaSalle Park, near the Canada Centre for Inland Waters and in the

West Harbour, near Bayfront Park and the West Harbour Trail.

#### *Other Functions*

The HPA operates and maintains a marina complex with fully serviced slips for 240 boats and a boating school, which taught in 1999 more than 2,100 people the safe operation of both sail and power craft. It owns a portion of the pier at LaSalle Park, which is leased to the City of Burlington for the purposes of the LaSalle Park Marina and the Burlington Boating and Sailing Club. Boat launch areas at LaSalle Park, Bayfront Park (operated by the Cities of Burlington and Hamilton, respectively) and Fisherman's Pier (operated by the HPA) give people the chance to enjoy the harbour's increasingly diverse fishing opportunities. In addition to these recreational activities, the Port Authority has actively participated in the rehabilitation of Hamilton Harbour, enhancing its environmental value by undertaking aquatic habitat improvements and shoreline restoration efforts.

#### *Adjacent Uses – Map Two*

Extensive green space frames the western edge of Hamilton Harbour, including the Royal Botanical Gardens, Cootes Paradise, Dundurn Park, Bayfront Park, Pier 4 Park and the Woodland, Holy Sepulchre and Hamilton Cemeteries. Residential neighbourhoods, interrupted only by LaSalle Park and the Burlington Golf and Country Club, characterize the Burlington shoreline. Protected fish and wildlife habitats exist at LaSalle Park, near the Canada Centre for Inland Waters and in the West Harbour.

The eastern edge of Hamilton Harbour is dominated by the Burlington Skyway bridge, and also contains the residential community to the east of Eastport Drive fronting Lake Ontario known as Hamilton Beach. A series of North End Hamilton neighbourhoods directly abut the western portion of the Port, south of Burlington Street.

Southern Ontario Rail / Rail Link services the entire southern portion of the HPA lands, and extends westward towards the main line. Also providing extensive rail services is CP Rail, although it primarily services Stelco and Dofasco. Southern Ontario Rail / Rail Link provides extensive short line services to Eastport, Stelco and Dofasco, and throughout Piers 10-15.

#### *Lease Lengths and Investment Levels*

A review of existing tenant lease lengths identifies areas within which the HPA has planning flexibility, and areas that need to be considered in terms of a longer-term plan. In general, the pursuit of long-term leases in the core of the HPA land holdings serves to stabilize industrial functions. Piers 11, 12, and portions of 14 and 15 are committed to leases of 11 years or longer. Piers 24 and 25 are likewise stable and determined as industrial uses for the long-term. Pier 8 and 10 contain more possibilities for the short term since lease commitments are, in many cases, shorter term.

On HPA lands, there is a combination of arrangements regarding infrastructure and facilities – in some instances the HPA has invested heavily in capital assets; in other instances the tenant is the main investor. As might be expected, tenants are more likely to invest in capital facilities and infrastructure improvements when they are assured of a long-term lease arrangement.

### 1.3. Jurisdiction for the Plan

#### *The Canada Marine Act*

The Canada Marine Act (CMA) is intended to make Canadian Ports more efficient, viable and competitive with Canada's major trading partners. It provides a legislative framework that is intended to improve the effectiveness of Canada's major ports by creating a National Ports System (NPS) made up of independently managed Canada Port Authorities (CPAs) and by streamlining the regulatory regime for the new CPAs and other ports currently administered by Transport Canada. Approximately 19 Ports of national significance are now governed by this one piece of legislation.

#### *Letters Patent*

The Letters Patent of the HPA elaborate the regulatory framework within which the Port Authority is required to operate. The navigable waters and property of the HPA are described, activities and powers of the Authority are detailed, and limits are placed on borrowing, leasing and the activities of subsidiaries. The HPA Letters Patent provide the Port with latitude to carry on many activities as a Port Authority.

### 1.4. Plan Development Process

The Land Use Plan preparation process began with a contextual analysis of the Port that was shaped by:

- a review of existing physical conditions;
- case study research of other Ports;

- an examination of market conditions, including a study of future trends in cargo;
- extensive stakeholder interviews; and
- a visioning workshop with management and the Board of Directors of the HPA.

This work culminated in the preparation of a background report - *Setting the Stage for the Future of the Port of Hamilton*. This research both presented some key outstanding issues and pointed towards opportunities and constraints for the future of the HPA.

Some of the initial directions identified during this first phase were confirmed in a Community Visioning Workshop, which was attended by a broad cross-section of stakeholders having interests within and adjacent to the Port. These initial directions included:

- strengthen and affirm the industrial capacities of the Port;
- focus on maximizing the efficiency and productivity of the HPA's existing land holdings;
- support mixed, but not integrated, uses;
- create formal mechanisms for continued consultation;
- recreate a vision that ties the futures of the Cities of Hamilton and Burlington and the Port together;
- design "punctuation points" that inspire interest and public activity along the waterfront;
- shift emphasis from environmental remediation to prevention and enhancement; and,
- complete trail connections to and possibly through the Port.

These directions, as well a number of more specific opportunities and challenges, formed the basis of the analysis of the Port that is reflected in this Land Use Plan. The HPA continues to manage an active, diversified port, with opportunities to pursue:

- on-going capital investment in modern facilities and infrastructure;
- strategic alliances with other ports;
- target marketing of the port;
- new relationships with shipping lines, railroads, and trucking companies;
- more detailed research into the feasibility of an inter-modal terminal at the Port;
- identifying users who would want to use the tremendous amount of outbound cargo capacity that the port currently has; and
- changes to the Canada Marine Act and utilization of sections of the Act that allow for flexibility, creativity,

and an entrepreneurial approach to business development.

This Plan recognizes that uncertainty regarding the future of the steel industry implies that the HPA needs to continue its efforts to be further diversified.

These opportunities, as identified throughout this planning process, have been considered and elaborated in relation to land use prospects for the HPA. Consultation has been integral, and as such, a draft of this plan was presented to the public for comment at an Open House prior to its final release at a Public Meeting.

## 1.5. The Port in Context

### 1.5.1. Regional Context

#### *The Golden Horseshoe*

Over the course of the next 30 years, it is anticipated that the population of the Golden Horseshoe (stretching from Rochester, New York to Oshawa, Ontario) will increase by approximately 37%. Hamilton's population itself grew by nearly 10% in the last decade, and its growth is anticipated to climb by a further 35% over the next 30 years to a population of approximately 650,000 people. This will present significant infrastructure demands, challenge existing levels of housing stock and employment options, and generate transportation capacity issues in an already dense corridor centred on the Queen Elizabeth Way, from Buffalo N.Y. to Oshawa, Ont. At the same time, it will result in increased demand for the provision of goods and services, for goods movement and for access to recreational facilities, putting more and more pressure on the transportation network. The impacts will be greatest on the capacity of roads and highways, suggesting that there may be potential to increase the level of goods moved on water through the HPA. The Golden Horseshoe will continue to become an increasingly complex and extended urban environment.

#### *The St Lawrence Seaway*

The St Lawrence Seaway is one of the major transportation routes into the heart of North America. The Seaway includes 15 substantial ports and more than 50 other regional-scale ports in both Canada and the United States. With a length of approximately 1,700 km, more than 110 million tonnes of cargo transit the Seaway each year. The Port of Hamilton is one of the most significant ports in the

system, receiving 21% of the inbound tonnage that travels the Seaway. Last year [2001], the Port of Hamilton handled approximately 13 million metric tonnes of cargo, making it much larger than most of the other ports in the Great Lakes.

The St. Lawrence Seaway currently faces a number of challenges to its competitiveness related to:

- its physical constraints, such as limited depth and width in various areas;
- an unlevel playing field for Canadian Ports with respect to their American competitors;
- government policies that favour other modes of transportation;
- closure during the winter months; and,
- unbalanced cargo flows which result in ships operating at less than capacity.

The health of the Seaway has implications for the health of the Port of Hamilton. Prospects for business development for the HPA continue to be shaped by investments in Seaway infrastructure (including dredging to maintain navigability), the efficiency and feasibility of the pilotage system, and the affordability of the fee structure for users.

#### *Regional Transportation Infrastructure – Map Three*

The confluence of key regional transportation infrastructure along the Detroit-Toronto corridor and the Toronto-Buffalo corridor includes access from the Hamilton Harbour to: Detroit, Michigan, along Highways 401, 402 and 403; Buffalo, N.Y., along the QEW; and Greater Toronto, along Highways 401, 403, 407 and the QEW. This primary NAFTA<sup>1</sup> corridor is dense with both truck and rail activity moving industrial goods. It is in high demand as a component of the Greater Toronto Area, which is rapidly urbanizing. As urbanization and industrial activity continues, road traffic continues to move towards a critical mass of activity that cannot be sustained by existing networks. This has implications for the smooth negotiation of goods movement to and from the Hamilton Harbour. Pending gridlock is a disincentive to prospective tenants and industrial development. Yet, it may also indicate an opportunity for increased shipping/barge activity for goods that are not constrained by “just-in-time” delivery practices.

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<sup>1</sup> The North America Free Trade Agreement, which has resulted in very significant cross-border goods shipment between Canada and the US.

### 1.5.2. City and Community Context

The Port of Hamilton is located primarily within the City of Hamilton, at the northwest corner of Lake Ontario. The City of Hamilton, which covers a land area of approximately 112,000 hectares and includes a population of 468,000, is characterized by large green spaces, including the Royal Botanical Gardens, Cootes Paradise, a strong municipal parks system, the Dundas Valley Conservation Area, and the Niagara Escarpment, a unique geological formation known as the Hamilton Mountain.

Located at the centre of the Golden Horseshoe, which is at the centre of the Province of Ontario, the City of Hamilton is well placed in terms of consumer markets and population mass. It is located in an emerging trade corridor – the second largest and busiest corridor between Canada and the United States. Goods shipped through the Port of Hamilton arrive close to intended markets.

Further, the Port of Hamilton is embedded in the historical and current heartland of the steel industry in Canada. The largest industrial sector in the city is manufacturing, which employs over 48,000 people, and the largest private sector employer is Stelco, which employs over 7,000 people. Its industrial base provides a secure context for the shipping industry in Hamilton to continue to unfold. Port tenants are able to create synergistic business development opportunities as a result of the intensity of industrial uses located in this area. They also locate and operate in Hamilton with the confidence that heavy industrial uses will continue to play a substantial role in the landscape of the Port.

The City of Hamilton is committed to industrial development as a central component of its future economic development. In addition, its Economic Development Department has been working to promote the redevelopment of brownfields in its older industrial areas.

The recent environmental remediation and redevelopment of Bayfront Park (1996) has stimulated interest in the harbour as a popular recreational opportunity. The City of Hamilton is interested in generating more public access to the harbour by creating mixed-use developments that allow recreational, residential and commercial uses to flourish. The pending development by Parks Canada of the western side of Pier 8 for a Marine Discovery Centre will both bring the public into close proximity with sustained industrial activity and

inspire renewed interest in Hamilton Harbour as a place of public engagement. Although these changes could be perceived as unfavourable to the continuing activities of heavy industry, in the context of a clearly defined mandate and a Land Use Plan that both delineates and reinforces industrial land uses, recreational activity in the Hamilton Harbour can be balanced with healthy industrial activities.

The economic value of the industrial activities of the Port is not always recognized fully by the public in both the City of Hamilton and the region. As public access to the Hamilton Harbour increases, the potential for a concomitant increase in understanding of the role that the port plays in providing materials and products necessary to modern life – steel for cars, appliances and buildings – also increases. Residential, recreational and commercial vitality within the Hamilton Harbour can be used to affirm and reinforce the importance of existing industrial activities. The City of Hamilton will continue to be a key partner for the HPA as the health of the city and the health of the Port become further entwined through the pursuit of a multi-use waterfront.

The HPA also has a number of smaller pier and waterlot properties in the City of Burlington. Located at the western end of the Greater Toronto Area, and just an hour north of the USA border, the City of Burlington is a growing urban area with a population of 138,000 residents. LaSalle Park is located on the northern shore of the Hamilton Harbour, and a portion of it is leased to the City of Burlington from the HPA for the purposes of recreational activities. The HPA intends to maintain and further its involvement in recreational activities, and this asset is a key resource towards this end.

### 1.5.3. Related Initiatives

#### *The Remedial Action Plan*

The Hamilton Harbour Remedial Action Plan has been an extensive and exemplary planning process designed to restore sustainable natural ecosystems to the Hamilton Harbour. It has aimed to improve the potential for more extensive recreation uses while maintaining the Harbour's and the watershed's essential economic function. A key objective of this process has been to ensure broad coalitions and extensive public support, in order to facilitate successful implementation. The Remedial Action Plan has over 175 member organizations, including the HPA.

#### *The Bay Area Restoration Council*

The Bay Area Restoration Council's (BARC) mandate is to promote, monitor and assess the implementation of the Hamilton Harbour Remedial Action Plan, by working closely with other local groups, such as the Bay Area Implementation Team. BARC offers several programs and coordinates many activities with other organizations to heighten public awareness and provide opportunities for community involvement in environmental protection and restoration.

#### *Windermere Basin*

The City of Hamilton, in conjunction with the Waterfront Regeneration Trust, is in the process of preparing a Vision Strategy for the Windermere Basin area. The intent is to restore the Basin as an estuarine landscape and natural habitat at the mouth of Red Hill Creek, and as a passive recreational open space. Industrial discharge, landfill seepage, storm water runoff, combined sewer overflows and erosion have all contributed to poor water quality in the Basin.

These initiatives represent a good model for community collaboration that brings a broad range of interests to the table and insists on tangible outcomes and efficient plan implementation. The HPA has been a long-standing partner in these on-going initiatives with both the City of Hamilton and environmental organizations, and is committed to its continued involvement in the future.

#### 1.5.4. Economic Context and Contribution

The Port of Hamilton has been central to the development of the City of Hamilton as an industrial hub with a stable workforce and growing economy. Of the total \$313.5 billion GDP of Ontario for 1999 it is estimated that approximately \$12.2 billion or 3.9% is directly or indirectly connected to the operations of the Port of Hamilton. This translates into an employment equivalent (considering both indirect and direct impacts) of approximately 220,000 jobs (Stamm, 2001).

Given the volume of metal manufacturing in Ontario generally, and in Hamilton in particular, the economic health of the city and the port are closely tied to the health of this industry. The steel industry has been in a state of decline in recent years, with the bankruptcy of a number of high profile producers, and dramatically increased competition from low cost steel makers overseas. Furthermore, the production of the steel industry is itself

closely tied to the health of other parts of the economy, notably the automotive industry. These complex linkages, and the uncertain state of the North American economy today, confound efforts to develop accurate forecasts of future economic activity in Hamilton. Nevertheless, the economic activity of the Port of Hamilton will remain closely linked to the fortunes of the local steel industry.

Levels of demand for other industrial materials handled by the Port are also difficult to ascertain. For example, since the terror event of September 11<sup>th</sup> 2001, activity in the airline industry has declined dramatically, and this has had a direct impact on the amount of jet fuel handled by the Port. On the other hand, agri-food industries, for example, continue to experience sustainable growth, with forecast increases in the coming years. The HPA has recognized these difficulties in its own cargos forecasts. There is general potential for variability in the amount of shipping that goes through the port each year, in part because there are no regularly scheduled liner services to Great Lake ports. The Port has also had to rely on estimates from its terminal operators in developing its forecasts. Notwithstanding the reservations noted above, cargo forecasts show a small increase for most types of cargo handled by the Port in the next four to five years.

## 1.6. City Relationships

### *Minutes of Settlement*

In October, 2001, the HHC settled a number of outstanding issues with the City of Hamilton. The resulting agreement, known as the Minutes of Settlement, has certain implications for land use planning for the HPA. It affirms that the success of the City and the Port are intricately linked, and that consideration ought to be given to the impacts and benefits of land use decisions for the City of Hamilton. Specifically, it states: “the city and the Port acknowledge the importance of each to the other, and the necessity for a good working relationship between the two bodies...” (*Schedule 1, Minutes of Settlement*).

Some changes to land holdings were an outcome of the Minutes of Settlement and have relevance for HPA planning. Lands and lands under water that have been conveyed to the City of Hamilton include:

- the area encompassing Windermere Basin (except 9 acres);
- waterlots in Pier Sites 1, 2, 3 and 4;
- lands, piers and waterlots in the vicinity of Piers 5, 6, 7 and Pier 8.

Of particular significance is the conveyance of the westerly 8.25 acres of Pier 8 to Parks Canada for the purpose of developing the Canada Discovery Centre on Marine Conservation.

Outstanding commitments of the HPA are detailed in the Minutes of Settlement, including:

- the creation of a Master Development Plan and implementation of certain improvements for Eastport;
- site plan control guidelines for Eastport; and
- beautification along Guise Street.

### *Official Plans*

The City of Hamilton Official Plan recognizes the importance of industrial activity within the City and affirms that Hamilton intends to remain a major industrial centre in the region and in the Province. To facilitate this, the Official Plan is designed to both retain existing industries and to stimulate new industrial growth. The Official Plan recognizes the existing inventory of industrial uses and identifies a reserve of lands suitable for the expansion of existing industry and for the attraction of new firms.

According to the Land Use Concept produced by the City of Hamilton as the basis for the Official Plan, Piers 10-15 and 23-27 are designated for Shipping and Navigation Uses (Section A.2.11). These uses include, but are not limited to:

- those uses which relate to the movement, management, safety and convenience of ships;
- uses involving the carriage of goods or passengers to other modes of transportation;
- related storage and processing;
- vessel and barge docks;
- industry and commerce related to, or incidental to or necessary to the port;
- recreational boat facilities; and,
- the provision of services such as security, employment, immigration, labour administration, technical, food, fuel and maintenance.

Pier 8 is recognized as a transition area between the recreational and open space uses of the west harbour and the intense Shipping and Navigation Uses in the central and east harbour. On this basis, in addition to the Shipping and Navigation Uses permitted for Pier 8, water-oriented commercial activities are also permitted (Section 2.11.5, iii).

Within the City of Burlington Official Plan, there is distinct recognition of the role that the waterfront setting plays in

shaping the character of the City. The Official Plan seeks to protect the shoreline, including fish and wildlife habitat, and promotes the waterfront as a valuable resource, by encouraging more public access to the lake. These values are consistent with the HPA's planning approach, and should be maintained through continued joint ventures between the City of Burlington and the HPA (such as fish and wildlife protection in the vicinity of LaSalle Park).

As a federal agency, the HPA is not bound by Official Plan policies. However, it seeks to be a good neighbour in the City of Hamilton and the City of Burlington, and therefore intends to operate in keeping with Official Plan policy.

### *Community Improvement Project Area*

The HPA land holdings are contained within a Community Improvement Project Area, as designated by the City of Hamilton. The municipality may, as a result of this designation, engage in activities that include:

- acquiring, holding, clearing grade or otherwise preparing land for community improvement;
- constructing, repairing, rehabilitating or improving buildings on land acquired or held by it in conformity with the Community Improvement Plan;
- selling, leasing or otherwise disposing of any land and buildings acquired or held by it in conformity with the Community Improvement Plan;
- making grants or loans to the registered owners, assessed owners, (and in the case of the City of Hamilton also tenants), to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan.

### *Zoning*

Municipal zoning has been applied to the HPA lands and adjacent properties, as per the City of Hamilton and the City of Burlington Zoning By-laws. Zoning By-laws regulate uses, built form and other development criteria. HPA lands are zoned by a variety of City of Hamilton designations, including: K-Heavy Industry, J-Light and Limited Heavy Industry, F-2a-Harbour District, F-2-Open Space Harbour District, D-Urban Protected Residential, F-4-Waterfront Services, Modified F-4; and the following City of Burlington designations: PC-166-Community Park, S-Service, BC1-Business Corridor.

Existing Zoning By-laws support Port related activities, and are compatible with both Official Plans. The policies and initiatives outlined in this Land Use Plan are consistent with the uses and activities permitted by the zoning on both the HPA's properties and that of its neighbours. A full description of the

Zoning By-laws applicable to the Port of Hamilton and adjacent properties is included in the *Background Report: Setting the Stage for the Future of the Port of Hamilton*.

## 1.7. Port Strengths, Opportunities and Challenges for the Future: Principal Issues for the Plan

### *Strengths*

The HPA has been able to approach this planning process from a position of strength:

- infrastructure, operations, the environmental context and the tenant/commercial base are strong and point towards sound future potentials;
- the infrastructure of the Port, including dock walls and facilities, is in excellent condition and thereby enables shipping growth;
- the HPA has also been successful in attracting and retaining a solid, diverse and stable tenant base;
- because the harbour is enclosed, it is well protected and therefore easily accessed by users, allowing for operational efficiency;
- the environmental gains of the past decade and the leadership of environmental groups related to harbour remediation makes the Hamilton Harbour an attractive and valuable asset.

In short, the HPA has exceptional assets. Further, its existing land base allows for expansion – an enviable position for a Port that is immersed in an urban context.

### *Challenges*

At the same time, there is concern regarding some of the existing constraints of the Port, including limited outbound shipping activity, the heavy reliance on steel, the old technologies used, and others discussed below.

### *Randle Reef*

The outstanding contamination of Randle Reef continues to be a constraint for the Port: it limits access to valuable dock wall and impedes efforts to improve the environmental image of the port and the City of Hamilton. However, it also provides an opportunity to improve water quality, restore natural environments and extend the existing marine terminal facilities, creating a usable land base and increasing public access by ‘capping’ the site with a pier designed to prevent further effluvium.

### *Limitations of the St Lawrence Seaway*

Several operational constraints need to be considered to fully understand the possibilities for enhanced Port development. The Seaway is limited to 9-months of operation, hence for three months of every year, the Port is unable to ship goods through the locks. The lift bridge at the entrance to the Burlington Canal also presents operational restrictions, given that labour strikes, repairs and operational downtime can limit access to the harbour.

### *Leasing and Taxation*

The requirement to lease rather than own their land may also be a constraint for tenants who would otherwise consider capital improvements, or for prospective tenants who consider leasing to be a less stable arrangement than ownership. Further, taxes (property taxes, Payments in Lieu of Taxes, federal Gross Revenue Charge and occupancy costs) are higher in Canadian Ports than in American Ports, and this increases the overall costs of locating in Hamilton.

### *Road Connections*

Although Hamilton is located in the midst of an extensive network of highways, the absence of certain key connections results in loss of efficiency and undue demand on corridors that affect residential neighbourhoods. Travel to the west of the Port is compromised and a rational access and egress strategy needs further development.

### *Communications with Stakeholders*

Communications with existing groups can continue to be improved in order to ensure that the Port is working in concert with the community, cognizant of needs beyond its own operations. Many stakeholders have particular insights into the needs of Hamilton Harbour due to their long-term involvement in its development. The HPA can continue to benefit by capturing these ideas and lessons and incorporating them into on-going planning.

### *Image*

Traditional heavy industrial uses tend to be unsightly. Soil, water and air contamination have also perpetuated a negative image of the Port and will be challenging to transform.

### *Opportunities*

#### *Available Port Land*

The HPA should market its facilities, available land, and its exceptional context within the community, to the region, to other Ports and to prospective tenants to enhance its existing operations. The key opportunity sites for the HPA include: Pier 15; Eastport, primarily at Piers 26 and 27; and Fisherman's Pier. Consolidated industrial uses exist on Piers 10-12, 14, and 23-25. These areas are stable and unlikely to be affected by outside pressures to extend recreational uses within the Port. Mixed uses will begin to exist on Pier 8 with the building of the Marine Discovery Centre and the HMCS Haida's proposed relocation from Toronto to the Department of National Defence's HMCS Star at Pier 9.

### *Strategic Alliances*

Strategic alliances with rail and trucking companies will reinforce the vibrancy of the Port and extend its desirability as a location for tenants. The ease of connection with the John C. Munro Airport may provide opportunities for cargo transfers, in part due to the emphasis on intermodal capacities at the airport. The strong assets of the Port are little known within the larger Seaway system. This presents an opportunity for the HPA to get the word out about their context, services, capacities and interest in partnerships. The municipalities can be a key player in this endeavour, given the spinoffs that successful Port development will generate for urban and economic development.

### *A Diverse, Active Port and Harbour*

The larger context of the Port, including the Cities of Hamilton and Burlington and the Golden Horseshoe, supports the development of a vibrant area that combines a mixture of activities, including residential, commercial and industrial. Opportunities exist to increase the recreational base, to celebrate the industrial character of Hamilton, and to create a vision that ties the future of the cities and the Port together. The HPA has the capacity to become a partner with other levels of government towards the goal of creating a critical mass of activity in the harbour area. In particular, joint ventures may be possible on Pier 8 that both maintain a commercial port presence and aid government objectives for using the Port in a way that is meaningful to the public.

### *Opportunities for a Broader Mix of Uses*

Under-utilized land could be used for new uses that move beyond the shipping industry, possibly in partnership with the Cities of Hamilton and Burlington. Five readily identifiable harbour area activity centres are apparent, and ripe for development that emphasizes the relationship between the Port and the municipalities. These sites include the Pier 5-8 area, the Eastwood Park district, the Sherman Inlet, Eastport at Windermere Basin and the Fisherman's Pier/Canal area.

*Improve the Neighbourhood Context*

Areas with important land use transitions, such as the residential enclave north of Burlington Street, Pier 8 and Windermere Basin, provide opportunities to both define Port functions and to respond to the needs of adjacent uses. In these areas, careful transportation planning can help to address neighbourhoods concerns regarding port-related truck traffic. In other areas, the further development of the existing recreational trail system and the provision of lookout points will increase public access to the water.

Part I: Introduction and Context serves as the background information that has been used to develop the Planning Principles and Land Use Policies that are contained in the following section, The Land Use Plan.

## PART II: THE LAND USE PLAN

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The planning principles and policies contained within Part II constitute the official Land Use Plan for the HPA. They will be used to actively guide the Port's activities and development.

### 2. LAND USE PLAN PRINCIPLES

The following five principles are the foundation for the Land Use Plan. These principles will be achieved through the implementation of detailed policies that outline directions for the HPA's management and development with respect to its lands and holdings.

Principle 1. ***Ensure the economic vitality of the Port of Hamilton, over the long term.*** Achieving this principle will involve continued investment in and maintenance of the Port's facilities by the HPA, provision of appropriate ground transportation facilities and connections, and continuous exploration of new technologies and market opportunities, as well as ongoing support from the Cities of Hamilton and Burlington for the Port's marine and industrial operations.

Principle 2. ***Partner with the Cities of Hamilton and Burlington, and other agencies and interest groups to achieve a healthy harbour environment.*** This principle will be achieved through implementation of the HPA's own *Draft Environmental Code of Practice* (see Appendix One), active partnerships with the Cities of Hamilton and Burlington, and the continued support of the Remedial Action Plan and its implementing agencies. The opportunity exists to continue to build on the tremendous gains that have been realized to date in improving the harbour's water quality and habitat environments.

Principle 3. ***Ensure a continuing mix of uses and activities in Hamilton Harbour.*** This principle recognizes that complexity is a sign of vitality and health, and that the harbour is big enough to accommodate many different uses and functions. As the variety of uses in the harbour intensifies, the delineation between industrial and non-industrial uses will need to be clearly and appropriately articulated, so that the Port can remain an active and positive economic

contributor to a waterfront setting that is of essential public importance.

Principle 4. ***Celebrate the industrial heritage of the Port, working to enhance the physical image of Hamilton Harbour, both locally and regionally.***

The HPA will continue to demonstrate its commitment to this principle through improvements that will green the Port environment, enhance its overall image and better link it to the surrounding city, in collaboration with the Cities of Hamilton and Burlington.

Principle 5. ***Maintain an ongoing dialogue with Stakeholders.***

The HPA recognizes that it operates in a dynamic environment where adjacent uses and activities are interdependent with its own. As a good neighbour, the HPA will continue to embrace a land use planning process that encompasses the knowledge, experience and ideas of a broad range of stakeholders, including Port tenants, neighbouring residents, representatives from the City of Hamilton and Burlington and environmental groups.

### 3. LAND USE PLAN POLICIES

#### 3.1. General Policies

This section details the Land Use Plan policies that shall direct the Port Authority's management and development activities with respect to its land holdings. The general policies are described first, followed by the specific policies that apply to each of the distinct land use areas of the Port identified on *Schedule A: Planning Areas*.

##### 3.1.1. Effective Use of Port Assets

The Port's land assets must be employed to meet the planning principles described in Part II, Section 2 of this document. The Port Authority shall take a long-term view of these responsibilities, recognizing that while economic and technological change in the future will create different demands on the size, configuration and quantity of lands required, there will always be a need for significant land areas for inter-modal goods and materials transfer and logistics. It shall therefore generally not dispose of lands, and then only after having clearly determined that such land is not required to meet its long-term functional objectives. It shall also maintain a high degree of flexibility in its

management of its lands to enable it to best meet the changing demands of its mandate.

In the allocation of sites adjacent to the dock wall, the Port Authority shall give priority to site users requiring marine access. Lease lengths and level of investment in site improvements and service infrastructure by the HPA and/or the tenant shall be commensurate with the use's fit with the long-term vision for the Port as expressed in this Land Use Plan.

### 3.1.2. Environmental Policies and Protocol

The HPA's activities, and the activities of its tenants, have direct impacts on the ecological health of the Hamilton Harbour, and surrounding neighbourhoods. As the types of uses increase in the harbour, air and water quality levels, and the attributes of its natural setting, will become even more significant. The HPA shall continue to actively promote environmental protection and to work with environmental agencies towards the creation of a stable and liveable harbour environment.

The HPA shall establish itself as a leader in environmental protection, conservation and remediation. Its *Draft Environmental Code of Practice* identifies policies and procedures related to new capital projects and major maintenance, dredging activities and capping procedures at the confined disposal facility, and leasing of land. It is a strong and practical statement about the HPA's willingness to thoroughly engage environmental matters. The *Draft Environmental Code of Practice* is contained in Appendix One, and is an active component of this Land Use Plan.

### 3.1.3. Ground Transportation and Access

The Port's marine-based activities are dependant on good and reliable ground transportation connections. The HPA shall therefore continue to ensure that good access to the 400 series highways is maintained along the major arterial streets that service the Port. The proposed Red Hill Creek Expressway will connect the Lincoln M. Alexander Parkway to the QEW southeast of the Burlington Skyway, providing an additional access point to the Port on the eastern side of the harbour, providing some potential to decrease the flow of industrial traffic through residential streets and the downtown core. The HPA, through this

Land Use Plan, will work with its tenants to encourage trucking operators to use this route.

Various other strategies have been presented to alleviate the pressure of truck traffic in residential neighbourhoods and in the downtown core, including the proposition of a perimeter type-road that would connect between the west end of the Port and Highway 403. While such a road would allow trucks to by-pass the neighbourhoods and downtown core, it remains logistically difficult to achieve. The HPA supports and advocates for good access between the Port lands and the 403, and will continue to support the City of Hamilton in further studies related to this issue. ■

Southern Ontario Rail services the entire western portion of the HPA lands, and extends westward towards Highway 403. Also providing rail service is CP Rail, although it primarily services Stelco and Dofasco. Southern Ontario Rail /Rail Link provides extensive short line services to Eastport, Stelco and Dofasco, and throughout Piers 10-15. The HPA will continue to work with the rail lines and the local service provider(s) to advocate for improved rail infrastructure and service levels, as appropriate.

Long-term consideration shall be given to the improvement of road access between Burlington Street and Piers 25 – 27 via an improved South Gateway Road and bridge. Such bridge improvements may also be required to ensure that Eastport is adequately served by rail with the necessary functional characteristics as it is developed over time.

#### 3.1.4. Recreational Uses

The Port Authority shall continue to encourage recreational use of the Harbour through the allocation of land and water areas to such uses and the provision of training, safety and other services to recreational water users. It will continue to support initiatives to develop the western area of the harbour as the City of Hamilton's primary public waterfront, and encourage the development of a mix of uses and activities consistent with that objective. The HPA shall continue to support efforts to develop a safe and fully connected multi-use trail around the harbour, recognizing that public access cannot always be accommodated along the water's edge. It will actively support the City of Hamilton's efforts to remediate Windermere Basin, as a future passive recreational and wildlife habitat area. To meet this objective, the HPA will facilitate the development of the Fisherman's Pier/Canal area (Piers 28 and 29) as a new

marine-related public activity centre, and continue the use of La Salle Park (Pier 34) for public recreation and recreational boating.

### 3.1.5. Urban Design and Public Art

Hamilton Harbour is one of the most important visual assets of the entire Golden Horseshoe region. In undertaking development and in managing its land assets, the HPA shall endeavour to maintain a high standard of urban design and landscaping consistent with its functional requirements, celebrating the strength and character of the harbour's unique industrial heritage. The colour, materials and visual quality of the often large structures constructed in the Port should be reviewed to ensure that they add to the visual quality of the harbour. In particular, public art that includes turning industrial forms into industrial art shall be considered, where appropriate.

Opportunities for landscaping improvements shall be pursued, particularly where they can shield/soften views and reduce the off-site impacts of open storage and industrial activities. New publicly accessible park areas at the water's edge shall be provided where most compatible with port activities. Key gateway locations around the harbour also present attractive opportunities for public art. Specific opportunities to enhance the image of the Port and its environs are described below in Sections 4.2.4 (Eastport) and Section 4.2.7 (Burlington Street Corridor).

### 3.1.6. Land Acquisition and Consolidation

Consistent with the planning principles of the Land Use Plan, the Port Authority shall continue to acquire lands within the area bounded generally by Hamilton Harbour, Pier 9 and Burlington Street. Such acquisitions shall be directed toward areas where they would constitute consolidations of the Port Authority's existing land holdings. The Port Authority shall also ensure that a supply of adequately sized and serviced industrial/commercial sites with marine access can continually be made available to appropriate potential users.

## 3.2. Area-Specific Policies

### 3.2.1. Port Area "A" – Pier 8

The westerly 8.25 acres of Pier 8 have been conveyed to Parks Canada for the purpose of developing the Canada Discovery Centre on Marine Conservation; the City of

Hamilton has right of first refusal if the project is not complete within 36 months, and commercial vessels using the Hamilton Harbour will be allowed to tie up along Berths 83 and 84 for the purpose of loading and unloading cargo along the northern face of the pier. If the land is conveyed back to the City of Hamilton, the City shall lease back the land to the HPA for the remainder of the term.

The remaining lands and facilities on the easterly portion of Pier 8 were also conveyed to the City, subject to a 25 year lease back to the HPA, conditional upon the continued use of these lands for shipping and navigation purposes. While these lands are not in direct HPA ownership, the Port Authority, as the lessee and the agency responsible for the management of port land and water activities, has objectives for the long-term development of this area. During the lease back period the HPA agrees not to construct any new facilities on Pier 8 without the consent of the City of Hamilton.

Pier 8 is a critical location at the interface between the urban and recreational uses located at the western end of the harbour and the marine-related industrial activities located to the east. The Marine Discovery Centre will introduce a new level of public activity and require a significant re-evaluation of the Port's role and functions at this location.

The pier's eastern section is occupied by an existing terminal building used for general cargo handling, a marina storage facility, the Navy League, and the activities of Brewer Brothers Marine Supply and Ontario Sailing Association.

In the immediate term, Pier 8 shall continue to be used for such functions. In the medium to long term more recreational and tourist related activities will be encouraged, building from the investment in the Marine Discovery Centre. Pier 8 is a large area, and existing uses that are compatible with a public waterfront may be maintained. Consideration shall be given to the eventual use of the terminal building for public recreational and cultural activities and for associated landscaping of the pier, particularly if HMCS Haida is located immediately east on Pier 9 [HMCS Star]. Landscaping requirements shall be appropriate to public waterfront uses.

Pier 8 is the appropriate location for servicing the increasing activity of cruise ships in the Great Lakes. As the waterfront becomes more and more of a destination, the demand for harbour-area boat tours is also likely to increase substantially. Both short and long-haul cruise boat services can likely be accommodated in existing and temporary

facilities unless Hamilton becomes a port of origin for such cruises.

A consistent minimum 20-metre zone should be preserved adjacent to the dockwall of Pier 8 to allow commercial and/or passenger ships to dock and unload. Buildings/permanent structures should not be permitted in this zone, which would also function as a generous public promenade area, subject to appropriate safety standards.

Consistent with the shifting emphasis within the west harbour towards recreational activities, the HPA will seek to continue to offer boating and training services as deemed appropriate, through revision of its Letters Patent.

Marina components of this area should stay in the short to medium term, although storage and repair functions could be relocated to Fisherman's Pier if it is advantageous from a business perspective.

Together with the City of Hamilton, the Port Authority shall contribute to enhancing the destination potential of Pier 8, providing for uses which promote public enjoyment through a variety of marine and waterfront-related uses, facilities and/or events. The HPA will offer its management, expertise and resources to work with the city to achieve these ends.

### 3.2.2. Port Area "B" – Piers 10 to 14, 23 and 24

Port Area "B" consists of those areas of the Port now in active marine-related industrial use along the southern edge of the harbour. The majority of the Port Authority's current tenants are in this area, and therefore public access cannot be safely accommodated or encouraged. The general objectives specified earlier regarding consolidation of land holdings and ensuring the availability of good development sites with water access apply strongly in this area.

The general cargo facilities on Pier 10 shall be strengthened to establish a clear long-term border between the industrial/commercial uses of the port and the recreational uses to the west, with HMCS Star on Pier 9 acting as a long-term buffer. Existing terminal facilities shall be upgraded and where necessary replaced over time to reflect changing needs.

Most of the current industrial activities on Piers 11 – 14 represent long-term port tenants, the majority requiring marine access, many of whom have made substantial investments in their sites. The Authority shall create a climate of confidence for such users to encourage further

investment. Consideration shall be given to progressive upgrading of site services in association with existing users. Ultimately, the HPA should set a goal of providing adequate utility infrastructure for its holdings and should on a case-by-case basis enter into partnership arrangements with its tenants to provide additional infrastructure. The HPA may require tenants or other proponents to submit landscape plans. The tenant shall be required to implement these plans upon HPA approval.

Piers 23 and 24 are located at the eastern end of the port and used primarily for bulk cargo and general cargo handling. Consolidation and expansion of the land base associated with these piers is appropriate as properties become available.

### 3.2.3. Port Area “C” – Pier 15

Port Area “C” represents the largest long-term development opportunity for the HPA on the southern edge of the Port. Recent land acquisitions have consolidated the site and allowed for renewed use of some of the existing buildings while certain older and obsolete buildings are being demolished in 2002. The long-term development of this area shall be guided by a number of considerations.

While priority shall be given to tenants requiring marine access for sites adjacent to the dock wall, the scale and property depth of this area would also permit the introduction of appropriate non-marine related users east of Sherman Avenue, towards Burlington Street. The opportunity exists to attract a range of large-site prestige industrial users in an attractive and functional setting. A gateway entrance to the port shall also be established at this location, and landscaping shall be used to enhance this area, particularly along Burlington Street. Port uses immediately adjacent to residential neighbourhoods shall be mindful of impacts on residential communities, and consideration shall be given to ensuring the establishment of appropriate uses.

The former natural creek known as Sherman Inlet provides an opportunity to combine ecological regeneration with an open space area and appropriate public access to this central part of the industrial harbour. Such ‘green’ elements could become a feature of a higher market level ‘Port of Hamilton Business Park’ that may be appropriate here.

Marine use of Pier 15 is constrained by the presence of Randle Reef, a coal tar deposit that also detrimentally affects water quality in the harbour. The remediation of Randle Reef is important therefore from both an environmental and economic perspective. It is defined as a “Special Study Area” in the Land Use Plan, indicating the need for more detailed analysis of the opportunities, constraints and options associated with its remediation. The HPA has indicated its preferred direction for the resolution of the issue as the “Contain and Cap” option. This would, over time, allow for the creation of a new Pier for port use. The HPA believes that this alternative is worthy of active consideration since it would appear to be a pragmatic, achievable solution combined with the opportunity to create a significant new state-of-the-art port development. Detailed design and implementation of the “Contain and Cap” plan would occur in cooperation with the Cities, the Hamilton Conservation Authority, the Bay Area Restoration Council and the Randle Reef Project Advisory Group. This being said, the HPA recognizes that there is an on-going process designed to resolve this issue that it wishes to respect. This option may also provide interesting opportunities to encourage public access in this part of the Harbour, when considered together with the potential to remediate the Sherman Inlet. The potential to provide public access in this area would be dependant on the ability to ensure public safety, without compromising the operations of Port tenants. If public access is to be encouraged, then landscaping shall be in keeping with its public waterfront setting, and should reinforce public access routes.

#### 3.2.4. Port Area “D” – Piers 25 through 27 (Eastport)

Port Area “D”, known as Eastport, is the other most significant development area in the Port, providing a major opportunity to respond to future transportation and goods handling requirements. While significant expansion of Great Lakes cargo handling is unlikely in the immediate term, the rate of growth in the Golden Horseshoe area, the continued expansion of NAFTA-related trade and the growing regional demands on all modes of ground transportation suggest that a portion of these lands, with their excellent and combined marine, freeway and rail access, be reserved for large-scale inter-modal logistics use. The HPA shall continuously monitor the potential for developing state-of-the-art inter-modal cargo handling facilities at Eastport on Piers 26 and 27.

The HPA is actively implementing an investment plan for Eastport as per the \$15 million allotment specified in the

Minutes of Settlement. 20 acres of appropriately surfaced and serviced land, as well as a new cargo handling area, has already been created. The balance of available land will be developed to further facilitate port expansion at Eastport in a financially responsible manner.

Eastport shall be developed for marine related uses, although existing tenants may be permitted to expand as appropriate. The 9-acre site at Windermere Basin (south of the bridge) shall be permitted to develop with clean, non-marine industrial uses, including storage. The HPA recognizes the planning process currently underway by the City of Hamilton to naturalize and remediate Windermere Basin, and shall ensure that development on this site does not compromise these efforts.

The guidelines for the long-term development of Eastport are illustrated in *Schedule B: Eastport Master Development Concept*. The Master Development Concept envisions the northerly extension of Eastport Drive to the head of Pier 27, once the confined disposal facility is filled and capped. It indicates the creation of up to three new gateway roads connecting between Eastport Drive, Eastport Boulevard, and the water's edge, dividing the area into a series of large development sites, all with excellent road and rail access.

Considerable opportunities for public access to Eastport shall be provided, in a way that is consistent with safe and viable port operations and activities. Water's edge public open spaces shall be provided at the dockwall terminations of the proposed gateway roads and, when filling of the existing confined disposal facility has been completed, on a significant new 2-acre park at the northeast end of Pier 27. Once such public open spaces have been developed, the existing unsuccessful parkette shall be replaced.

The HPA will continue to advocate for the preparation of a harbour-wide Wildlife Management Plan. As Eastport becomes more developed for both marine based-industry and public recreational uses, this plan will provide an appropriate response to the existing marine bird habitat area which has evolved at the confined disposal facility.

The water's edge public open spaces envisioned along the western dockwall of Piers 26 and 27 shall be designed as integral components of the proposed gateway roads, which will be retained in the HPA's ownership, but designed to public standards. For the water's edge open spaces to be successful, it will be important for the gateway streets which lead to them to have sidewalks, bicycle lanes, street trees and pedestrian-scale lighting, in order to look and function as safe and welcoming elements of the public realm.

The Master Development Concept suggests that there may be a need to enhance the South Gateway Road bridge, to provide additional road and/or rail capacity to Eastport from Piers 23/24. The plan indicates a further opportunity, either independently or in combination with capacity-based upgrades, to install a pedestrian bridge at the southeast corner of the basin that can function as a loop in the proposed Windermere basin trail, and provide an interesting vantage point for viewing both the Harbour and the Basin. A landscaped buffer shall be created along the Eastport Drive frontage, providing a location for a recreational trail through the full length of Eastport, connecting between Windermere Basin and Fisherman's Pier, and linking to the Burlington Beach trail, the proposed Hamilton Beach trail, and the new waterfront pier parkettes on Eastport.

Significant opportunities exist in this area to provide a positive image of the Port to drivers traveling along Eastport Drive and the QEW. The landscape edge described above will soften the view of the port-related activities, while buffering the proposed recreational trail from Eastport Drive and the QEW. The north and south ends of the buffer are proposed to terminate in large-scale landscapes/ earthworks which would provide visual anchors and symbolic markers for the Port and City of Hamilton. Landscaping along the public faces of new buildings, including the new cargo handling facility, will mitigate the visual impacts of industrial activities. The points of connection between Eastport Drive and each of the gateway roads provide opportunities for gateway treatments, including landscape and signage like that found at the existing South Gateway Road. Specific landscape treatments and the siting of future buildings/facilities along the length of this corridor will need to ensure that views to the harbour are preserved.

Since Piers 25-27 are in the vicinity of the Hamilton Beach residential community, to the east of the QEW, proposals for development in this area shall be cognizant of this unique community and the impacts of noxious spillover effects (noise, air pollution, dust) shall be considered when development proposals are brought forward.

While the Master Development Concept for Eastport (Schedule E) has been prepared to meet the requirements of the Minutes of Settlement (2001), the HPA and the City of Hamilton have agreed that a Detailed Design Concept will also be created for the area. The HPA, in consultation with the City of Hamilton, will produce these standards, ensuring that they are compatible with similar design policy developed by the City. They will address the following elements:

- Special natural habitat considerations;
- The design of publicly accessible areas;
- Development sites and relationships;
- View enhancement;
- Landscaping;
- Signage; and
- Phasing and costing.

The HPA and the City of Hamilton have agreed that the Master Development Concept and the Detailed Design Concept will provide the basis for evaluation of future applications for Site Plan Approval, which will be received and administered by the HPA.

### 3.2.5. Port Area “E” – Piers 28 and 29 (Fisherman’s Pier/Canal Area)

Port Area “E” , known as Fisherman’s Pier, consists of the area around the Burlington Canal entrance to Hamilton Harbour. Both the vacant lands on the southerly side of the Canal and the lands associated with the Canada Centre for Inland Waterways constitute an opportunity to create a long-term destination not currently present at the easterly end of the harbour.

As a site, Fisherman’s Pier has both significant assets and formidable challenges. On the positive side, it is largely vacant, has excellent freeway access, and contains the historic lighthouse and lighthouse keeper’s cottage, which is owned by the Federal Government, but not the Port Authority. It provides an excellent vantage point for watching ships as they enter and leave the harbour, the activity of the lift bridge and splendid views of the harbour and surrounding landscape. On the negative side, much of the site is located underneath the Burlington Skyway structure and is exposed to strong western winds coming in off the harbour, creating a challenging micro-climate. It is also not currently easily accessible.

The concept presented in *Schedule C: Fishermans’ Pier Concept Plan* suggests a long-term vision for the future of the Fisherman’s Pier area as a marine activity, recreational and heritage area. Significant improvements will be required to capitalize on the area’s advantages and overcome its challenges, so that it can become an attractive location for private investment and generate the necessary levels of visitation. The Concept Plan is intended to identify the needed marine and land infrastructure, the responsibility for which can be determined once tenants are identified.

A major new breakwall system is shown in order to create sheltered space for marina activities. The breakwall springs

from the existing side wall of the Canal, connecting to improved trail and viewing areas along its edges, leading to the lighthouse and keeper's cottage. These buildings, and the adjacent lift bridge are shown in an improved and landscaped setting. The breakwall offers a significant new opportunity for a public waterfront promenade, and locations for fishing. It should be designed to provide fish and/or wildlife habitat areas, building on the success of such environments at the western end of the harbour. The site labelled as *Area A* is a good location for a variety of potential public uses, activities, services and amenities, including but not limited to, a restaurant and observation/interpretative sites. The public boat launch facility will be maintained.

Any significant new activity at Fisherman's Pier will require improved access from Eastport Drive and new parking areas, both indicated on *Schedule C*. The lands between the parking areas and the water's edge, labelled as *Area B*, are proposed for development of a range of private marine-related uses, helping to activate the area and fund the site enhancements that will be required to make it a successful public destination. The specific layout of building sites, access roads and parking areas shall be established once the nature of tenant interest and requirements have been determined. The HPA will work with the Ministry of Transportation to determine appropriate safety measures that address issues related to the site's location below the QEW.

*Area C* could be developed with either public or private-sector uses, provided that appropriate opportunities for public access are maintained, as this is a key point for viewing the harbour and is an important junction point between the proposed Hamilton Beach and Eastport recreational trails.

The success of Fisherman's Pier as a destination would be greatly enhanced if the Canada Centre for Inland Waters increased the level of public visitation to their facility, through tours of their current scientific operations and/or through development of new publicly-oriented activity space on its substantial site.

The HPA-owned lands to the immediate east of the Canada Centre for Inland Waters have potential for uses associated with expanded public activities – initially as parking, freeing up waterside areas for other uses. In the long term, development shall be considered that is similar to that which is recommended for Fisherman's Pier. More detailed planning and design for the Fisherman's Pier area should occur jointly between the Cities of Hamilton and

Burlington, Park's Canada, CCIW, Public Works and Government Services, and the HPA. These agencies should consider collaboration on a tertiary level plan for this area. Common interests can be served through such collaboration, including:

- smooth interfaces between trail systems;
- the full realization of the potential of historic resources in this area;
- maximization of public access and recreation at the water's edge where appropriate;
- the potential for waterfront commercial activities; and
- the creation of gateway features.

Any HPA development that takes place to the north of the Burlington Canal shall respect and take into consideration the Greenlands designation in the City of Burlington Official Plan and also the anticipated Region of Halton Environmentally Sensitive Area designation for the dunes along Burlington Beach.

With appropriate attractions and visitation levels from Fisherman's Pier and the Canada Centre for Inland Waters, scheduled water taxi/mini-ferry activity may be possible in the summer months between Fisherman's Pier, Pier 8, LaSalle Park and Desjardins Canal, greatly increasing the general public's enjoyment of the unique environment of Hamilton Harbour.

### 3.2.6. Port Area "F" – Pier 34 (LaSalle Park)

Current club boating and recreational boating uses shall continue, in keeping with the HPA commitment to provide public access to the north shore. Improvements to the public realm, in consultation with the City of Burlington, shall be pursued. The base of existing fish habitats and trails shall continue to be upgraded and developed, consistent with both environmental policies and the wider community vision of extended trail access. LaSalle Park might also provide a location/destination for a scheduled water taxi/ferry.

### 3.2.7. Burlington Street Corridor

Burlington Street shall be recognized as an important industrial corridor and treated as a key spine where diverse interests and communities overlap. The dynamic nature of emerging urban nodes along Burlington Street, linked together by an overall industrial narrative, can lead to a positive image and character for the street. For the purposes

of discussion, the corridor has been divided into a variety of “character areas”, recognizing and reinforcing the unique and varying nature of its different segments. These character areas are identified and described on *Schedule D: Burlington Street Corridor*. A number of important threshold locations provide opportunities for gateway treatments: at Eastwood Park, Sherman Inlet and the QEW junction. Smaller gateway opportunities exist at Strathearne Ave and in the vicinity of Ottawa Street, as identified in *Schedule D*. The HPA will work with the City of Hamilton to develop detailed design guidelines for the corridor and gateways. Port related improvements on Burlington Street will coordinate with the recommendations of two studies currently being undertaken by the City of Hamilton, the North East Gateway Study and the Downtown Streets Master Plan.

#### 4. LAND USE PLAN IMPLEMENTATION AND REVIEW

##### 4.1. Land Use Plan Adoption, Review and Ongoing Stakeholder Involvement

Sections 2 and 3 of Part II of this document shall constitute the official Land Use Plan for the Port of Hamilton, and shall be formally approved by the Board of the HPA. Every second year, the HPA will prepare an informal *Report Card* that will comment on how the Plan has served it during the past two years, and recommend any appropriate changes, amendments or elaborations. The Report Cards will be posted on the HPA’s website, and made available to the public at a bi-annual Community Open House to be hosted by the Port Authority.

The Open House will provide members of the public with an ongoing opportunity to provide their feedback and indicate any concerns regarding Port activities. At the same time, the HPA will continue to actively encourage open communication with concerned stakeholders on an as-needed basis.

The HPA will formally review and update the Land Use Plan every six years, or earlier in the event of a significant, unanticipated change in direction. The six-year plan review process will involve active dialogue with the Cities and community stakeholders. Future versions of the Land Use Plan will be available on the HPA’s website, and made available at the Open House scheduled for the year in which the updated Plan is produced.

## 4.2. Development Review Process

The Port of Hamilton Land Use Plan provides the basis upon which all proposals for new developments/changes of use will be considered by the HPA. All proposals must meet the principles and policies outlined in this Plan. All proposals will be reviewed for compliance with the Land Use Plan by HPA staff. Records relating to all use and development proposals will be maintained by HPA staff.

From time to time, the HPA may develop more detailed design standards to address setbacks, signage, landscaping and site plan approval requirements.

Once the Detailed Design Concept for Eastport is complete, it shall govern Eastport's future development. Similar design standards may subsequently be prepared for Fisherman's Pier and Pier 15.

In executing its authority with respect to development proposals by existing tenants, the HPA shall refer to the Land Use Plan.

## 4.3. Building Review Process

As a federal agency, the HPA must ensure that all buildings and structures comply with the standards of the National Building Code. Construction of new buildings/structures or renovation of existing buildings/structures on lands owned by the HPA will continue to be reviewed by HPA staff, to ensure compliance with the Code. Records relating to building construction and Code compliance review will be maintained by HPA staff.

## 4.4. Environmental Review Process

As a Federal agency, the HPA must meet the requirements of the Canadian Environmental Assessment Act, and other applicable Federal environmental policies and guidelines for both the land and water it owns and occupies. The HPA will expect a high standard of environmental controls from its tenants, and intends to comply with applicable Federal and Provincial environmental legislation. It will cooperate and consult with environmental agencies, including Environment Canada, Fisheries and Oceans Canada, the Ontario Ministry of Environment and local conservation authorities, when deemed appropriate or necessary.

The Canadian Coast Guard maintains authority, through the Navigable Waters Protection Act, to comment on any structural activities that occur in the harbour that could impact navigation.

The Canadian Coast Guard has delegated responsibility for spill monitoring and reporting to the HPA.

#### 4.5. Intergovernmental Relationships

Lands owned by the HPA are located primarily within the City of Hamilton, while lands it owns at Piers 29 through 34 are located within the City of Burlington. The HPA has worked hard to build positive working relationships with both Cities, and intends to actively maintain and foster these over time. Other situations demand collaboration with either the Federal or Provincial Government. The HPA recognizes the value of continuing to work in concert with all levels of government, and as such, it will maintain an open planning process, and will consult with and inform the Cities, the Federal and Provincial governments, and its neighbours regarding significant future developments/changes in use, particularly where there are clear stakeholder concerns and/or areas of mutual interest.

#### 4.6. Municipal Planning Provisions

The Official Plan and zoning provisions currently applicable to the lands owned by the HPA (under the jurisdiction of both the City of Hamilton and the City of Burlington) are supportive of port activities and requirements. No changes are required to the provisions applicable to lands owned by the HPA; nor are there any issues or conflicts related to zoning on adjacent properties. The HPA will continue to work with the Cities to ensure that potential future zoning/Official Plan changes remain supportive of port-related activities and industrial uses.

As per the requirements of the Minutes of Settlement between the City of Hamilton and the HPA, lands at Eastport are to be subject to a Site Plan Approval process. The City of Hamilton and the HPA have agreed that the Master Development Concept set out on *Schedule B* and the Detailed Design Concept to be prepared by the HPA shall guide the location and form of future development at Eastport. Once the City of Hamilton has endorsed the Detailed Design Concept, they will form the basis for site plan applications to be submitted to and administered by the HPA.

## PART III: A WIDER COMMUNITY VISION FOR THE HAMILTON HARBOUR

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### 5. Process Overview

The open and inclusive Land Use Plan preparation process was intended to ensure that the vision of the Port as advocated by the HPA is well integrated into a larger community vision for the Hamilton Harbour. A key component of this process included a Community Visioning Workshop<sup>2</sup>, where a diverse group of stakeholders met to bring together their individual perspectives and share information; identify common interests and answer central questions about directions for the Port. The objective was to develop preliminary visions for the Port and its harbour-area context. Four sub-groups generated visions for the Hamilton Harbour and indicated initiatives necessary to bring these visions to fruition. While many of the issues raised at this workshop lie beyond the jurisdiction of the HPA, they contribute to and complement the actions identified in the Land Use Plan.

This Vision of the Harbour, which also contains the recommendations for Port land uses as outlined in this plan, is illustrated in *Schedule E*. This vision summarizes the groups' work. While it is not a statutory element of the plan, it is an important indication of how the Land Use Plan fits into the larger Hamilton Harbour context, and how the Port can continue to be an active and engaged collaborator in the development of this larger community vision, in conjunction with many other partners.

### 6. Workshop Outcomes: Key Themes

- The west harbour, including Piers 5-8, is the site of emerging public destinations, led by the redevelopment of Bayfront Park and the Marine Discovery Centre initiative on Pier 8. This is an area that should embrace mixed-use developments, including recreational, commercial and tourist activities. Residential uses should also be considered and explored for this area. Some participants identified this area as a key site for increasing access to a public waterfront, and specifically highlighted the need to determine the appropriate route for extension of the waterfront Trail through Pier 8. The question of how this public trail will be achieved across properties currently occupied by private uses remains to be resolved.
- The HMCS Star on Pier 9, as a stable long-term semi-public use, becomes a transition area between the industrial Port and emerging recreational uses, reinforced by the possible relocation of the HMCS Haida.

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<sup>2</sup> The *Community Visioning Workshop Summary* is available, upon request, from the HPA.

- Beautification on Piers 8 and 9 could create a statement about the industrial history of this area, to attract visitors and to encourage lingering.
- Bay, James and Ferguson Streets are key connecting corridors between the Port, the urban core, and residential communities near the Port. These corridors should be strengthened through appropriate streetscaping and promoted as access points to the Port.
- Guise St. should be redesigned and beautified to enhance public access and interest.
- Gateways serve to define the Port, mark a transition between it and adjacent uses, and generate a sense of arrival and importance. Existing gateways are located at the entrance to Bayfront Park and at Eastport Dr., near Windermere Basin. Gateways should be designed along Burlington Street and along the edge of Eastport to identify the harbour area as unique and significant.
- Through the Land Use Plan, the HPA is suggesting the development of important trail links between Burlington Beach and Eastport, including the possibility of a connection to the Hamilton Beach trail. The HPA may look at the possibility of creating a public access point at the Sherman Inlet.
- Where it is safe and possible to do so, public access to the water should be increased.
- The creation of green space and corridors in the harbour area is important to the community, the city, and other organizations. The HPA will collaborate with stakeholders to ensure the continued development of green space as a public asset in the harbour. In particular, the HPA will support the work of the Burlington Waterfront Team, the Hamilton Waterfront Trust, the Royal Botanical Gardens, and the City of Hamilton to develop a trail connection between Burlington and Hamilton through the Valley Inn.
- Fish and wildlife habitat improvements should continue.

Central to this concept plan is the notion that industrial and commercial uses can be combined, although not integrated, with a vibrant, multifaceted Port that provides public enjoyment and adds value to the culture and character of the Hamilton Harbour. Further, it recognizes that both port and recreational activities must be pursued with sensitivity to the unique environmental and community context of the Hamilton Harbour. The long-term health of the harbour is contingent on the balancing of environmental, economic, and social objectives.

## Appendix One

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### DRAFT ENVIRONMENTAL CODE OF PRACTICE

#### **1.0 Introduction**

The Hamilton Port Authority [HPA] recognizes that, through the development and administration of the Port of Hamilton, certain works undertaken by the HPA, its agents or third parties will impact, either positively or negatively, on the environment.

This Code of Practice reflects the Hamilton Port Authority's intended policy and procedure in respect of the following:

- New Capital Projects & Major Maintenance
- Dredging Activities & Capping Procedures at the Confined Disposal Facility
- Leasing (Letting) of Land
- Day to day operations of the Port Authority

#### **2.0 PURPOSE**

The purpose of this Code of Practice is intended to publicly establish the HPA's protocol in respect of how it will operate in the context of the natural environment.

#### **3.0 OBJECTIVE**

The objectives of the Code of Practice are:

- To acknowledge that the HPA places a high value on the natural environment.
- To acknowledge the HPA's responsibility for coordinating policy and action on the environment within the Port's sphere of competence.
- To establish a framework in which the HPA may plan, design, construct and monitor new initiatives in the Port.
- To apply a consistent and equitable set of criteria to new initiatives in the Port that are consistent with applicable environmental legislation.
- To establish a process for the involvement of external agencies, where appropriate.
- To comply with the letter and spirit of environmental legislation and associated regulations and abide by

internationally agreed conventions and directives intended to protect the environment.

- To initiate steps to consider the potential for the improvement of environmental standards beyond those currently required under legislation.
- To establish management systems which encourage environmental protection as an integral part of business and management practice, including:
  - Promotion of environmental awareness to others within the Port and those associated or connected with it;
  - Promotion of good public relations and consultation with local communities, local administrations, and relevant environmental agencies; and,
  - Preparation of plans to counter potential incidents in the port area likely to cause environmental harm in association with relevant national and local agencies.

#### **4.0 GENERAL PRINCIPLES**

- (a) The Hamilton Port Authority places a high value on the natural environment and is committed to environmental protection and conservation. All initiatives of the HPA will have regard for developing and maintaining a harbour and port of high environmental quality.
- (b) The Hamilton Port Authority will co-operate and consult with environmental agencies, including Environment Canada, Fisheries and Oceans Canada, the Ontario Ministry of Environment and local conservation authorities.
- (c) The Hamilton Port Authority is a partner in the Hamilton Harbour Remedial Action Plan and supports the principles, goals and objectives of the Plan.
- (d) While the activities of the Hamilton Port Authority in regulating shipping and navigation activities do not necessarily have negative impacts on the environment, the HPA will encourage its tenants, contractors and agents to attain this Code of Practice.

Moreover, the Hamilton Port Authority will continue its attempts to reduce the impacts of external pollutants to the Harbour, where possible, through the administration of the Canada Marine Act (and its regulations) and as a result of its status as landowner. In this regard, the HPA will monitor ships in port and tenant operations and report any environmental violations to the source or to the appropriate authority.

- (e) Where external agencies wish to undertake a proposal that directly affects lands of the Hamilton Port Authority (including the Harbour), the HPA will, on minor projects, determine the extent of environmental studies that will be required. In any event, this standard will not be less than what the HPA would normally use to screen its own projects. On larger, more significant projects, the proponent will be required to proceed through the normal Canadian Environmental Assessment Review Process.
- (f) The HPA will encourage its tenants and other port users to improve the natural environment and in this respect, may provide incentives for those users who do so.
- (g) As a federal agency, the Hamilton Port Authority will comply with legislation, policies, regulations and standards established by the Federal Government, as amended from time to time. Where no Federal standard exists, the Hamilton Port Authority will conform to Provincial standards.
- (h) The Hamilton Port Authority is committed to Federal and Provincial initiatives of reducing the amount of waste that is directed to landfill sites and accordingly adopts, in the following priority, the reduction, re-use and recycling of waste created through all of its operations.

The HPA will also prepare and adopt a subsequent policy that addresses new and future initiatives including:

- “greening” of the Port, such as landscaping, alternative energy sources, live roofs, etc.;
- the proper maintenance of HPA vehicles and equipment to ensure that proper emissions standards are met;
- waste disposal;
- energy audits for HPA buildings;

- use of pesticides; and
- establishing minimum standards for tenants for the development, operation and maintenance of their facilities.

## **4.1 Capital Projects**

### **Background**

From time to time, the Hamilton Port Authority will undertake new capital projects in order to maintain, develop or improve the infrastructure of the Port. These works may include roads, pipelines, water, sanitary and storm sewers, hydroelectric lines, rail sidings, wharfs, recreational slips, etc.

### **Specific Policies**

- (a) Pursuant to the Canadian Environmental Assessment Act [CEAA], the HPA will complete both an Environmental Summary Assessment Form and an Environmental Assessment Screening Assessment Form for all capital or major maintenance projects.
- (b) Should the above assessments indicate that insignificant adverse impacts are likely to result, then the project may proceed immediately, subject to securing any other necessary standard approvals.
- (c) Should the above assessments indicate that either: (i) adverse impacts are unknown; or, (ii) the ability to mitigate adverse effects is unknown, then the Hamilton Port Authority will proceed to undertake and prepare an Environmental Assessment Screening Report, which shall include, but not be limited to the following areas:
  - a review of applicable legislation;
  - details of the project;
  - external consultation mechanisms and results;
  - environmental considerations;
  - design and construction restrictions;
  - recommendations for implementation and monitoring; and
  - recommendations for additional assessment including a full environmental assessment pursuant to the federal Environmental Assessment Review Process.

## **4.2 Dredging Activities & Capping Procedures at the Confined Disposal Facility**

## **Background**

The Hamilton Port Authority will, on occasion, need to undertake maintenance dredging in order to maintain proper draft within the shipping channels of Hamilton Harbour, including along wharfs and within slips. Historically, most of the dredge spoil has been disposed in the Confined Disposal Facility owned by the Hamilton Port Authority at Pier 27 (Eastport).

From time to time, private landowners may also seek consent from the Hamilton Port Authority to dredge on Hamilton Port Authority property.

Since the late 1950s, the Hamilton Port Authority has operated a Confined Disposal Facility at its Eastport facility. The dredge materials do not currently meet open water disposal criteria and must be disposed of in an economical and environmentally sound method. As dredging is required in the Harbour, the dredge is removed from the Harbour bed and is deposited in this facility. The CDF is currently comprised of two (2) "cells", the perimeters of which are constructed of quarry stone and clay. As the CDFs are filled to capacity with dredge (to elevation 75.0 metres IGLD 1985), the dredge is capped with clean fill, to approximate elevation 77.5 m IGLD 1985.

### **Specific Policies - Dredging**

- (a) At a minimum, the Hamilton Port Authority will prepare, or may require a private landowner to prepare (as the case may be), an Environmental Assessment Screening Report (pursuant to CEAA) which shall include the following information:
  - applicable legislation;
  - details of the project;
  - external consultation mechanisms and results;
  - environmental considerations;
  - design and construction restrictions; and
  - recommendations for implementation and monitoring.
- (b) Any third party who wishes to dredge the bed of Hamilton Harbour for purposes of recreational or commercial boat slips or other similar reasons, shall provide to the Hamilton Port Authority full details of the dredging project accompanied by a Screening Report from a competent environmental consultant addressing the issues set out in the Canadian

Environmental Assessment Act.

- (c) The Department of Fisheries and Oceans will be advised and consulted on all dredging activities in Hamilton Harbour.

Specific Policies - Capping

All capping material for this project is reviewed by the Engineering Department of the Hamilton Port Authority prior to its being accepted at the site, pursuant to the following policies:

- (a) Contractors wishing to place capping fill at the site shall register with the Engineering Department of the Hamilton Port Authority in order to purchase capping tickets and to provide details as to the source and type of fill.
- (b) Contractors shall provide independent, licensed laboratory tests for the fill, to enable the HPA to determine if the material is suitable for capping. Residential fill, and road base material from the reconstruction of municipal streets or provincial highways, where environmental approvals for disposal have already been obtained, may be exempted from providing the above tests, at the discretion of the HPA Engineering Department.
- (c) All capping material shall be visually inspected at the disposal site by the Engineering Department. Fill capping tickets shall be presented to the site inspector and shall be crosschecked against the source of the material.
- (d) Random samples shall be collected by the site inspector from time to time on all material received at the site. A subset of the samples collected will be subject to independent laboratory analysis, to determine chemical content, and other relevant parameters, for quality control purposes.
- (e) The guideline used by the Hamilton Port Authority for accepting capping material shall be the Industrial/Commercial guideline of the Ontario Ministry of Environment and Energy (rev. 1997).

### **4.3 Leasing (Letting) of Land**

#### **Background**

Through the operation of the Port, the Hamilton Port Authority will lease (let) land, wharfs, storage and warehousing facilities and office space. This property management component is integral to the success of the Port and permits the HPA to entertain proposals for the development of port facilities and related industry and services.

### Specific Policies

Leasing or licensing arrangements governs all development and use of lands owned by the Hamilton Port Authority by third parties. The policy respecting the execution of leases as it relates to environmental issues is as follows:

- (a) Staff of the HPA will undertake a site inspection of the premises and note any constraints or impacts that may result from the proposed use.
- (b) Pursuant to CEAA, where a change in use or new construction is proposed, the HPA shall complete both an Environmental Summary Assessment Form and an Environmental Assessment Screening Assessment Form and place the completed forms in the proposed lease file.
- (c) Should the above assessments indicate that insignificant adverse impacts have been determined, then the project may immediately proceed, subject to securing any other necessary standard approvals.
- (d) Should the above assessments indicate either: (i) adverse impacts are unknown; or, (ii) the ability to mitigate adverse effects is unknown, then the Hamilton Port Authority will proceed to undertake to prepare an Environmental Assessment Screening Report that shall include, but may not be limited to the following information:
  - applicable legislation;
  - details of the project;
  - external consultation mechanisms and results;
  - environmental considerations;
  - design and construction restrictions;
  - recommendations for implementation and monitoring; and
  - recommendations for additional assessment including a full environmental assessment pursuant to the Environmental Assessment and Review Process.

- (e) All land use on property of the Hamilton Port Authority will conform to the Hamilton Port Authority's Land Use Plan.

#### 4.4 **Day-to-Day Activities** *(to be completed)*

##### **Background**

The HPA is further resolving this draft protocol to make it more proactive by defining policies that indicate support for other environmental initiatives, and regulate issues related to equipment, cleaning, recycling and waste, and pesticides.

##### **Specific Policies** *(to be completed)*

support Vision 2020 and Action 2020  
support HEIA

use of vehicles and equipment  
fuel sources  
dust control/street cleaning

recycling/waste disposal  
tree planting program  
use of pesticides

#### 4.5 **Monitoring**

Where a project proceeds in accordance with an Environmental Screening Report or full environmental assessment, such reports will include provisions respecting ongoing monitoring of the project.

#### 5.0 **Impact Analysis Statement (IAS)**

It is not anticipated that this Code of Practice will have negative impacts on the Port Authority or the local communities. This policy is seen as a positive and proactive initiative of the HPA.

This Code of Practice is consistent with the HPA's Letters Patent and the Canada Marine Act.

#### 6.0 **Code of Practice Review**

It is the intention of the Port Authority to ensure that this policy continues to be appropriate to the needs of the corporation and responsive to the changing business, environmental and community conditions. This Code of Practice will be reviewed on an annual basis, or more

frequently if deemed necessary, in order to ensure that it continues to be appropriate.

## Appendix Two

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### SCHEDULE OF CONSULTATION PROCESS AND REPORTS

An open and inclusive consultation process characterized the development of this Land Use Plan. In each phase, reports were made available to facilitate discussion and feedback from a broad range of stakeholders.

October/November 2001	Interviews with approximately 60 stakeholders, including selected staff and representatives from the Cities of Hamilton and Burlington, port tenants, special interest agencies and groups, and adjacent residential neighbourhoods.
November 2 <sup>nd</sup> , 2001	Visioning Workshop with the Board of Directors and senior management of the HPA <ul style="list-style-type: none"><li>▪ Visioning Workshop Summary</li><li>▪ Background Report: <i>Setting the Stage for the Future of the Port of Hamilton</i></li></ul>
December 6 <sup>th</sup> , 2001	Community Visioning Workshop <ul style="list-style-type: none"><li>▪ Community Visioning Workshop Summary: <i>A Community Vision for the Port of Hamilton and the Hamilton Harbour</i></li></ul>
March 4 <sup>th</sup> , 2002 Draft Land Use Plan	Community Open House to Present the <ul style="list-style-type: none"><li>▪ <i>HPA Draft Land Use Plan</i></li></ul>
June 5 <sup>th</sup> , 2002 Plan	Public Meeting to Present the Land Use <ul style="list-style-type: none"><li>▪ <i>HPA Land Use Plan</i></li></ul>