

PART III: A WIDER COMMUNITY VISION FOR THE HAMILTON HARBOUR

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 Workshop², 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

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

- 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.
 - 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

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

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 2nd, 2001 Visioning Workshop with the Board of Directors and senior management of the HPA
- Visioning Workshop Summary
 - Background Report: *Setting the Stage for the Future of the Port of Hamilton*
- December 6th, 2001 Community Visioning Workshop
- Community Visioning Workshop Summary: *A Community Vision for the Port of Hamilton and the Hamilton Harbour*
- March 4th, 2002 Draft Land Use Plan Community Open House to Present the
- *HPA Draft Land Use Plan*
- June 5th, 2002 Plan Public Meeting to Present the Land Use
- *HPA Land Use Plan*

Acknowledgements

The Hamilton Port Authority Land Use Plan is the result of the effort of many individuals. Its development involved an iterative planning process designed to facilitate collaboration, consultation, and careful thinking about future possibilities for the Port Authority and the Hamilton Harbour. Valuable insights and suggestions from a broad range of people have served to create an inspiring and achievable Hamilton Port Authority Land Use Plan.

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Participants

People with the following affiliations participated in the stakeholder interviews and/or the Community Visioning Workshop.

Birmingham Construction Limited
Dofasco
Federal Marine Terminals
McKeil Marine
Heddle Marine Service
CanAmera Foods
Southern Ontario Rail
Poscor Mill Services Corp.
Local Residents
Royal Hamilton Yacht Club
McDonald Marine
Leander Boat Club
Hamilton Beach Preservation Society
International Village BIA
Downtown BIA
Parkdale East Community Action Group
Central Area Planning Committee
Hamilton Conservation Authority
Remedial Action Plan Office
Friends of Red Hill Valley
Bay Area Restoration Council
Hamilton Naturalists Club
Hamilton Waterfront Trust
City of Hamilton
City of Burlington
Canadian Coast Guard
Mission to Seafarers
Hamilton Chamber of Commerce
LaSalle Park Marina
Bay Boat Works
Department of Fisheries and Oceans
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Councillor Chad Collins
Member of Provincial Parliament Marie Boutrogianni
The Honourable Sheila Copps, Minister of Heritage

This plan was approved by the Board of Directors of the Hamilton
Port Authority on June 20th, 2002.