



# The Regional Municipality of Durham

## COUNCIL INFORMATION PACKAGE

### November 30, 2018

#### **Information Reports**

- [2018-INFO-154](#) Commissioner of Planning and Economic Development – re: Monitoring of Land Division Committee Decisions of the November 5, 2018 Meeting
- [2018-INFO-155](#) Commissioner and Medical Officer of Health – re: Cold Warning and Information System

#### **Early Release Reports**

There are no Early Release Reports

#### **Staff Correspondence**

There is no Staff Correspondence

#### **Durham Municipalities Correspondence**

1. [City of Oshawa](#) – re: Resolution passed at their Council meeting held on September 24, 2018 regarding Transport Canada Ports Modernization Review – City of Oshawa

#### **Other Municipalities Correspondence/Resolutions**

There are no Other Municipalities Correspondence/Resolutions

#### **Miscellaneous Correspondence**

1. [Ontario Good Roads Association](#) – re: Call for Nominations to sit on the Board of Directors of the Ontario Good Roads Association commencing February 27, 2019
2. [Alcohol and Gaming Commission of Ontario \(AGCO\)](#) – re: E-mailing Initial Information for Ontario Municipalities about Cannabis Retail Store Licensing
3. [Ganaraska Region Conservation Authority \(GRCA\)](#) – Emailing Regional Council unapproved minutes of the October 18, 2018 meeting of the Full Authority of the Ganaraska Region Conservation Authority

4. [Ontario Good Roads Association](#) – re: Emailing information about a Workshop for Elected Officials – Introduction to Asset Management
5. [Ontario Good Roads Association](#) – re: Emailing Registration information about the 2019 OGRA Conference on February 24 – 27, 2019

### **Advisory Committee Minutes**

There are no Advisory Committee Minutes

Members of Council – Please advise the Regional Clerk at [clerks@durham.ca](mailto:clerks@durham.ca), if you wish to pull an item from this CIP and include on the next regular agenda of the appropriate Standing Committee. Items will be added to the agenda if the Regional Clerk is advised by Wednesday noon the week prior to the meeting, otherwise the item will be included on the agenda for the next regularly scheduled meeting of the applicable Committee.

Notice regarding collection, use and disclosed of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.



# The Regional Municipality of Durham Information Report

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From: Commissioner of Planning and Economic Development  
Report: [#2018-INFO-154](#)  
Date: November 30, 2018

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**Subject:**

Monitoring of Land Division Committee Decisions of the November 5, 2018 Meeting

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

1.1 This report summarizes decisions made by the Land Division Committee<sup>1</sup> at its meeting of November 5, 2018 (see Attachment 1). The approved applications conform to the Durham Regional Official Plan. No appeals are recommended.

**2. Distribution**

2.1 A copy of this report will be forwarded to the Land Division Committee for its information.

**3. Attachments**

Attachment #1: Monitoring Chart for the November 5, 2018 Meeting

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<sup>1</sup> The Regional Land Division Committee (LDC) was created by Regional Council on December 19, 1973 to make independent decisions on the disposition of consent applications (e.g. severance, right-of-way, lot line adjustment) that have been submitted to the Region for approval under the Planning Act. The Committee consists of eight lay-citizen members (one representing each area municipality), that are appointed by council for a four year term. The Chair of the next LDC will be selected from among the appointed members. The LDC meets monthly and considers approximately 150 consent applications per year.

Respectfully submitted,

Original signed by

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B.E. Bridgeman, MCIP, RPP  
Commissioner of Planning and  
Economic Development



## Attachment 1: Monitoring of Land Division Committee Decisions for the Meeting Date of Monday, November 05, 2018

Appeal Deadline: Tuesday, December 04, 2018

| LD File Number | Owner   | Location   | Nature of Application  | Regional Official Plan | LDC Decision         |
|----------------|---|--|--|------------------------|----------------------|
| LD 136/2018    | Veltri, Mario                                     | Part lot 11, Conc. 2<br>Municipality of Clarington | Consent to sever a vacant 320.6 m2 residential parcel of land, retaining a vacant 285.1m2 residential parcel of land.  | Conforms               | Approved unanimously |
| LD 138/2018    | Chapman, G. Bruce<br>Spasojevic, Suzana           | Part lot Pt Lot 11, Conc. 2<br>City of Oshawa      | Consent to grant a 19.2 m2 access easement in favor of the lands to the east, retaining a 322 m2 commercial parcel of land.  | Conforms               | Approved unanimously |
| LD 139/2018    | Brglez, Robert                                    | Part lot Pt Lot 7, Conc. 1<br>City of Oshawa       | Consent to sever a vacant 0.132 ha residential parcel of land, retaining a 0.189 ha residential parcel of land with an existing apartment building to remain.                  | Conforms               | Approved unanimously |
| LD 140/2018    | Brglez, Robert                                    | Part lot Pt Lot 7, Conc. 1<br>City of Oshawa       | Consent to grant a 0.046 ha reciprocal vehicular easement in favor of the properties to the west and east, retaining a 0.275 ha residential parcel of land.                    | Conforms               | Approved unanimously |
| LD 141/2018    | Arndt, Kenneth Peter<br>Greer, Bernadette<br>Anne | Part lot 27, Conc. 1<br>City of Pickering          | Consent to add a vacant 0.055 ha residential parcel of land to the north, south and east, retaining a 0.098 ha residential parcel of land with an existing dwelling to remain. | Conforms               | Approved unanimously |
| LD 142/2018    | Li, Shaolin                                       | Part lot Pt Lot 14, Conc. 1<br>City of Pickering   | Consent to grant a 0.053 ha blanket access easement in favor of the lands to the north.  | Conforms               | Approved unanimously |

| <b>LD File Number</b> | <b>Owner</b>     | <b>Location</b>                                  | <b>Nature of Application</b>   | <b>Regional Official Plan</b> | <b>LDC Decision</b>  |
|-----------------------|------------------|--|--|-------------------------------|----------------------|
| LD 143/2018           | Wang, Cheng Hong | Part lot Pt Lot 29, Conc. 1<br>City of Pickering | Consent to grant a 0.004 ha easement in favor of the property to the north, retaining a 0.396 ha residential parcel of land.               | Conforms                      | Approved unanimously |
| LD 144/2018           | Vaccaro, Frank   | Part lot Pt Lot 12, Conc. 3<br>Town of Ajax      | Consent to sever a vacant 1.27 ha residential parcel of land, retaining a vacant 2.195 ha residential parcel of land.                      | Conforms                      | Approved unanimously |
| LD 145/2018           | Vaccaro, Frank   | Part lot Pt Lot 12, Conc. 3<br>Town of Ajax      | Consent to sever a vacant 1.413 ha residential parcel of land, retaining a vacant 0.782 ha residential parcel of land.                     | Conforms                      | Approved unanimously |
| LD 146/2018           | Vaccaro, Frank   | Part lot Pt Lot 12, Conc. 3<br>Town of Ajax      | Consent to grant a 0.091 ha access easement in favor of the property to the north, retaining a vacant 2.104 ha residential parcel of land. | Conforms                      | Approved unanimously |
| LD 147/2018           | Vaccaro, Frank   | Part lot Pt Lot 12, Conc. 3<br>Town of Ajax      | Consent to grant a 0.93 ha access easement in favor of the property to the south, retaining a vacant 1.32 ha residential parcel of land.   | Conforms                      | Approved unanimously |



## The Regional Municipality of Durham Information Report

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From: Commissioner & Medical Officer of Health  
Report: [#2018-INFO-155](#)  
Date: November 30, 2018

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**Subject:**

Cold Warning and Information System

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**Recommendation:**

Receive for information

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**Report:**

**1. Purpose**

- 1.1 To provide an update to Regional Council on the development and implementation of a Cold Warning and Information System (CWIS) for Durham Region.

**2. Background**

- 2.1 In July 2015, the Durham Region Health Department (DRHD) launched a Heat Warning and Information System (HWIS) in partnership with the Ministry of Health and Long-Term Care (MOHLTC) and Environment and Climate Change Canada (ECCC).
- 2.2 The HWIS alerts community partners that have signed up to receive email notifications of an extreme heat event, which allows early coordination, response and outreach to vulnerable and priority populations. Updates and information are also posted on [durham.ca](http://durham.ca) and communicated through a variety of social media channels to help inform the public.
- 2.3 Following the successful implementation of the HWIS, DRHD has developed a CWIS to alert community partners about extreme cold events and extreme winter weather events such as blizzards and ice storms.
- 2.4 Similar to extreme heat events, extreme cold events can have significant health impacts. Cold weather can result in the development of cold-related injuries such as frostbite and hypothermia and can have an impact on morbidity and mortality, especially for vulnerable populations such as the homeless and marginally housed,

infants, seniors, and those that work outside.

### **3. Cold Warning and Information System**

- 3.1 The CWIS can reduce excess cold-related morbidity and mortality by alerting community partners about the risks of being exposed to extreme cold, supporting community response to vulnerable populations and providing individuals with information and resources to help them take protective actions before and during an extreme cold event.
- 3.2 In November 2018, DRHD invited community partners to attend an engagement session to discuss the development of the CWIS. Information regarding various cold warning systems used across Ontario was presented as well as the health impacts of cold weather.
- 3.3 Community partners, including front-line agencies that provide services to Durham Region's most vulnerable homeless populations provided feedback regarding the concerns that impact their clients. A scoping exercise was conducted to establish criteria and thresholds for issuing cold warnings in the region.
- 3.4 Cold alerts will be issued when the weather forecast indicates that the temperature will be  $-15^{\circ}\text{C}$  or there is a wind chill of  $-20^{\circ}\text{C}$  (or colder). Alerts will also be issued for extreme weather events such as blizzards and ice storms.

### **4. Next Steps**

- 4.1 The CWIS will be implemented in two phases: Phase 1 will begin in December 2018 and will focus on issuing cold warning notifications to community partners that have subscribed to receive email notifications; Phase 2 will expand the CWIS to the public and will be launched in December 2019.
- 4.2 An evaluation will be conducted in the spring of 2019, following the launch of Phase 1, to identify gaps and areas for improvements. The results of the evaluation will inform program improvements that may be required prior to implementation of Phase 2.
- 4.3 Phase 2 will include a public campaign, news releases, social media messaging and updates on [durham.ca](http://durham.ca).
- 4.4 Regional Council will be informed if changes are required to the CWIS following the evaluation.



Respectfully submitted,

Original signed by

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R.J. Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health

**C.S. - LEGISLATIVE SERVICES**

November 21, 2018

File: F-3041-0005

The Honourable Marc Garneau  
Minister of Transport  
Transport Canada  
330 Sparks Street  
Ottawa, ON K1A 0N5

Sent Via: Online submission at <https://letstalktransportation.ca/ports-modernization-review> and email to [guillaume.vincent@tc.gc.ca](mailto:guillaume.vincent@tc.gc.ca)

**Re: Transport Canada Ports Modernization Review. File  
City of Oshawa Submission**

|                              |
|------------------------------|
| Original<br>To: <i>CIP</i>   |
| Copy<br>To: <i>G. Cubitt</i> |
| <i>S. Soles</i>              |
| <i>Z. Badgeman</i>           |
| <b>C.C. Review</b>           |
| Take Appr. Action            |

Please be advised that at a meeting held on September 24, 2018, City Council passed a resolution to deal with the above-noted matter and adopted the following recommendation of the Development Services Committee:

1. That Report DS-18-150, dated September 20, 2018, be endorsed as the City's comments on the discussion paper for Transport Canada's Ports Modernization Review.
2. That a copy of Report DS-18-150, dated September 20, 2018, and the related Council resolution be sent to Transport Canada, the Oshawa Port Authority, the Region of Durham, the Friends of the Second Marsh and the Central Lake Ontario Conservation Authority.
3. That Transport Canada be requested to meet with the Mayor to discuss the City's comments on the discussion paper for the Ports Modernization Review.

For your information, enclosed is a copy of the report of the Commissioner of Development Services DS-18-150. Please accept this letter and the attached Report as the City of Oshawa's submission in response to Transport Canada's Ports Modernization Review.

Oshawa City Council respectfully requests that Transport Canada representative meet with the Mayor of Oshawa to discuss the City's comments on the Ports Modernization Review discussion paper. Meeting arrangements can be made by contacting Patricia Nokes, Executive Administrative Assistant in the Mayor's Office at the address shown or by telephone at (905) 436-3311, extension 5674 or by email to [pnokes@oshawa.ca](mailto:pnokes@oshawa.ca).

Please acknowledge receipt of this letter and the attached submission at your earliest convenience.

If you require further information or clarification, please contact Meaghan Harrington at the address shown or by telephone at (905) 436-3311, extension 2407 or by email to [mharrington@oshawa.ca](mailto:mharrington@oshawa.ca).



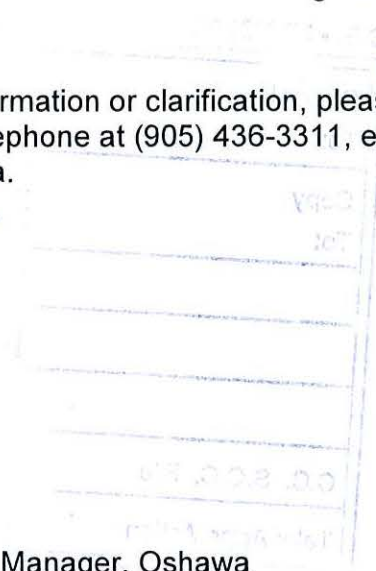
Warren Munro

Warren Munro, Director  
Planning Services

MH/c

Attachment

- c. Jag Sharma, City Manager, Oshawa
- Donna Taylor, President and CEO, Oshawa Port Authority
- Friends of the Second Marsh
- Chris Darling, CAO, Central Lake Ontario Conservation Authority
- Clerks Department, Region of Durham
- Mayor's Office



To: Development Services Committee

From: Paul D. Ralph, BES, MCIP, RPP, Commissioner,  
Development Services Department

Report Number: DS-18-150

Date of Report: September 20, 2018

Date of Meeting: September 24, 2018

Subject: Transport Canada Ports Modernization Review, 2018 -  
Recommended City Comments

File: F-3041-0005

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## **1.0 Purpose**

Transport Canada is undertaking a review of Canada Port Authorities to optimize their current and future role in the transportation system. Transport Canada wants to hear from key partners and stakeholders, including Canada Port Authorities and municipal governments and local communities that have a particular interest in port activities.

Transport Canada released a discussion paper to help guide the review of the Canada port's system and to obtain meaningful feedback from stakeholders (see Attachment 1).

The purpose of this report is to obtain Council approval of City comments on the discussion paper for Transport Canada's Ports Modernization Review. The deadline to provide comments is October 26, 2018.

Attachment 1 is a copy of the discussion paper for Transport Canada's Ports Modernization Review.

Attachment 2 is a copy of the main body of Staff Report DS-13-02 dated January 10, 2013, which includes staff comments on the proposed Oshawa Port Authority Draft Land Use Plan at that time.

Attachment 3 is a copy of a letter dated December 22, 2016 forwarding City comments for consideration by the expert panel tasked with reviewing federal environmental assessment processes.

Attachment 4 is a copy of the Oshawa Harbour Land Use, Development and Municipal Services Agreement dated July 15, 2010 between the City and Port Authority, which remains in effect to July 15, 2020 as a result of an extension of term agreement made on July 15, 2015.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That Report DS-18-150, dated September 20, 2018, be endorsed as the City's comments on the discussion paper for Transport Canada's Ports Modernization Review.
2. That a copy of Report DS-18-150, dated September 20, 2018, and the related Council resolution be sent to Transport Canada, the Oshawa Port Authority, the Region of Durham, the Friends of the Second Marsh and the Central Lake Ontario Conservation Authority.
3. That Transport Canada be requested to meet with the Mayor to discuss the City's comments on the discussion paper for the Ports Modernization Review.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this report:

- City Manager
- Commissioner, Community Services
- Director of Economic Development

## **5.0 Analysis**

### **5.1 Background - Canada's Port System**

#### **5.1.1 Legislative Framework**

Today's port system is governed by the 1995 National Marine Policy and the 1998 Canada Marine Act.

The National Marine Policy lays out a detailed model for Canada's marine transportation system, whose key principles emphasize accountability to users and the public, business discipline and self-sufficiency to shift port operation costs from the general taxpayer to port users.

The 1998 Canada Marine Act created 18 Canada Port Authorities having national significance, and began the divestiture of other ports owned by Transport Canada to local interests. These changes were intended to promote a more competitive, effectively managed and sustainable port system.

On February 18, 2012 the Port of Oshawa was given its Port Authority status through the issuance of letters of patent under the 1998 Canada Marine Act and its previous status as a Harbour Commission under the Harbour Commissions Act ceased to apply.

### **5.1.2 The Importance of Ports**

Canadian ports play an important role in supporting economic development and global trading. Many Canadians rely on the port system for the goods they use and consume and for delivering their merchandise to domestic and international markets.

The Port of Oshawa is a major economic driver and the City recognizes the importance of the port from an economic development and jobs creation perspective. The role and capabilities of the Port of Oshawa represent significant infrastructure for the City and Region and create a competitive economic advantage.

Canadian Ports are also important community members as they manage land within our municipal boundaries, function as marine security and safety, contribute to environmental protection and contribute to the creation of direct and indirect jobs.

### **5.1.3 Port of Oshawa**

The Port of Oshawa has had a long history of being the centre of trade, and a vital transportation link for industries dating back to the 1800's. From facts and statistics published on-line by the Port of Oshawa, the port has handled more than 500 vessels carrying over 3 million metric tonnes of cargo over the last decade. Further, the same source material indicates the movement of cargo through the port supports 294 jobs.

According to the latest facts and statistics available on-line at the Port of Oshawa's website, the Port of Oshawa on average handles approximately \$23 million worth of cargo annually, including products such as salt, steel, asphalt and grain.

## **5.2 Purpose of Transport Canada's Ports Modernization Review**

Transport Canada indicates that over the last 20 years the operating landscape for Canadian Ports has changed and will continue to change at a greater pace, thereby creating new challenges and opportunities. In order to ensure our country remains well-positioned to innovate and compete within the port industry, Transport Canada feels it necessary to re-examine Canada Port Authorities and how they operate.

Key drivers of change include:

- An evolving marine industry;
- Reconciliation with Indigenous peoples;
- Local communities;
- Environmental protection and climate change;
- Safety and security; and,
- Governance.

Submissions and comments to Transport Canada are due on or before October 26, 2018. The Honourable Marc Garneau, Minister of Transport, launched a roundtable series of meetings for the ports modernization review, with Indigenous peoples, provincial governments, municipalities, etc. To date staff are not aware that the City of Oshawa has been notified by Transport Canada of any roundtable discussions to discuss the review, and staff have not located any online calendars or advertisements related to any roundtable discussions being held by Transport Canada prior to the October 26, 2018 deadline for comment.

### **5.3 Staff Response to Discussion Paper**

Transport Canada prepared a discussion paper (see Attachment 1) including background information as well as a list of 14 questions to lead the discussions and comments from stakeholders.

Staff has reviewed the discussion paper and notes that only certain questions require input from the City as the balance of the questions are more appropriately answered by others, such as the indigenous community or port users. These questions are relevant to the City of Oshawa in its role as a municipal authority and host to a Canada Port Authority, and read as follows:

- Discussion paper Q3. What strategies could link business to research, and research to learners in support of innovative solutions and greater competitiveness?
- Discussion paper Q7. How can ports ensure their operations and future development remain environmentally sustainable and adapt to climate risks?
- Discussion paper Q8. How can Canada Port Authorities contribute to building healthier communities?
- Discussion paper Q13. What models or approaches could be pursued to ensure Canada Port Authorities are more responsive to user and local perspectives?

In developing appropriate responses to these questions, it became apparent that the responses share a variety of commonalities and similar themes. Responding to the questions is therefore most effectively achieved through a thematic approach. On this basis, it is recommended that the following comments be endorsed by Council and forwarded to Transport Canada for their consideration during the Ports Modernization Review.

#### **5.3.1 Theme 1: Communication, Building Relationships and Building Trust**

Fostering and maintaining a collaborative, respectful and trusting relationship between Port Authorities and host municipalities and the public is critical to building a strong relationship and trust. This should be a key objective for all parties. Regularly scheduled, ongoing meetings between Port Authorities and local municipal governments are an important and highly effective way to ensure alignment of the municipality's and the Port Authority's strategic plans and corporate objectives.

Waterfront districts are highly visible, important areas of shoreline communities, and communities having the added advantage of a port stand to benefit from substantial economic opportunities as well as opportunities for well-being and recreation.

Municipalities and Port Authorities can parlay these assets to their mutual advantage provided that they work collaboratively and are in frequent communication. For this reason it is important to recognize that over time, board members, port staff and elected officials change and nothing in the current legislative framework mandates having regular set meetings. As personalities change, previous relationships can diminish or disappear in the absence of a formal communications framework.

The City's relationship with the Port Authority has improved over the years. For example, the City of Oshawa and the Oshawa Port Authority (O.P.A.) staff have committed to meet both quarterly and on an as-needed basis rather than merely comply with the minimum annual meeting requirement. In addition, the Mayor and Councilor Pidwerbecki are invited to attend certain O.P.A. meetings. Communication and interaction between the City and the O.P.A. has been further facilitated recently through arranging bus tours of the port facility for elected representatives.

Both the City and the O.P.A. have benefitted from this collaborative approach to communication, as recently exemplified when the parties came together to successfully amend a long-standing agreement to now allow fishing on the landmark pier under the O.P.A.'s jurisdiction.

In addition to recommending that Port Authorities and their host municipalities formally establish a communications framework that is regular, frequent and multi-faceted in terms of incorporating different opportunities for building relationships and trust, staff agrees with the ideas provided in the discussion paper as examples of communication approaches being employed by leading ports, i.e.:

- Hosting open houses to explain their major projects;
- Starting good neighbor committees; and,
- Talking with Canadians on social media.

The above communication approaches should be mandatory for each Port Authority.

In addition, it is recommended that Port Authorities post agendas and minutes for all their meetings, to be more open and transparent. This would improve on the current situation which requires only the agenda and minutes from the single annual public meeting along with the annual financial statement to be publicly available.

As noted under subsection 5.3.2, regular environmental monitoring to gauge compliance with standards for matters such as noise, vibration, and air and water quality is an important ongoing function. Sharing monitoring results with the community is an ideal opportunity to reinforce positive communication and build trust. Similarly, the posting of incident reports (e.g., spills) for the benefit of the public would augment the efforts of Port Authorities to demonstrate greater transparency and accountability.

### **5.3.2 Theme 2: Land Use and Environmental Responsibility**

Port Authorities should be accountable for their environmental performance as it relates to greenhouse gas emissions, energy use and energy conservation, air quality, water quality, impact on wildlife habitat and provincially significant wetlands etc. It is recommended that



Port Authorities take a leadership role in environmental stewardship by producing a plan for reducing their overall impact on the environment (i.e. greenhouse gas emissions reductions, improved air quality, restoration of certain plant and wildlife habitats, etc.) and publicly reporting on their performance each year.

Port Authorities could produce a climate adaptation plan based on local climate science, to better prepare for the rapidly and ever changing climate. Greater frequency of severe weather events and higher precipitation levels may have significant impact on port operations in years to come.

As an example, Durham Region and all lower-tier Durham municipalities have adopted a Durham Community Climate Adaptation Plan consisting of a number of programs which will address local adaptation measures to protect the residents and infrastructure from the changing climate. The Durham Community Climate Adaptation Plan received national recognition and is the winner of the Federation of Canadian Municipalities 2018 Sustainable Communities Award, in the climate change category.

Port Authorities could also benefit from a greenhouse gas emissions reduction plan to actively pursue climate mitigation and reduce the impact of their operations/activities on the environment. The City of Oshawa has itself committed to reducing its greenhouse gas emissions and energy consumption, and is required to provide a Corporate Facilities Energy Management Plan to Ontario's Ministry of the Environment, Conservation and Parks. As a member of the Federation of Canadian Municipalities Partners for Climate Protection program, the City has successfully completed key milestones in its Corporate Plan aimed at reducing emissions and is now developing a community-based plan to help reduce the impacts of climate change and respond to the goal of Environmental Responsibility as outlined in the Oshawa Strategic Plan.

In addition to being environmentally responsible, Port Authorities can contribute to building healthier and economically robust communities by ensuring land use compatibility and optimizing the use of port lands for activities well-suited to benefit from proximity to port facilities.

In accordance with the Canada Marine Act, 1998, the O.P.A. adopted a Land Use Plan in early 2013. Through Report DS-13-02, the City of Oshawa provided comments to the O.P.A. on the proposed Land Use Plan in January 2013 (see Attachment 2). The City's primary concern was that the O.P.A.'s Land Use Plan did not include a detailed land-use plan or land use map showing land use designations and applicable policies. The City of Oshawa's comments that were expressed in Report DS-13-02 are largely still applicable. It is recommended that Port Authorities work together with local governments and the community to determine appropriate land uses on port lands that have regard for the land use designations and policies contained in their municipal Official Plans, to ensure compatibility and harmony with land uses in the vicinity of the port.

It is recommended that Land Use Plans developed by Port Authorities reference the standards and requirements applicable to users/tenants in terms of site development, erosion control during construction, applicable building code standards, applicable emergency and fire standards, appropriate air and water emissions standards, appropriate

standards for noise and vibration, lighting standards, odour standards, impact studies (i.e. traffic, environmental), etc.

As key environmental stewards of federal Crown land, Port Authorities should adopt the most rigorous standards in place, whether they be Federal or Provincial in origin.

For example, on December 19, 2016 Oshawa Council endorsed comments for consideration of the expert panel tasked with reviewing federal environmental assessment processes (see attachment 3). These comments include a recommendation that projects subject to federal environmental assessment processes should also be subject to compliance with provincial standards and guidelines where they are more rigorous than federal standards and guidelines.

Mechanisms to monitor and enforce the aforementioned standards are likewise recommended.

Land Use Plans also provide an excellent mechanism for Port Authorities to identify strategies to optimize the use of port lands and facilities by targeting development that can make the most advantageous use of a port location, as opposed to uses whose locational needs can be appropriately accommodated elsewhere. It is recommended that consideration be given to requiring Port Authority Land Use Plans to include goals, objectives and strategies in this regard. In addition, Port Authority Land Use Plans should include requirements for due diligence in terms of undertaking archaeological investigations prior to development and sharing the results of such investigations with the public and host municipality. Archeology studies are important given the possibility of indigenous and early settler activity in the area of ports along the waterfront.

It is also recommended that a priority of land offerings protocol be implemented by Port Authorities giving host municipalities the first opportunity to acquire port lands deemed surplus by the Crown, in the event that a Port Authority decides to dispose of lands that no longer serve the needs of the Port Authority.

### **5.3.3 Theme 3: Innovation**

The City of Oshawa Council is committed to economic growth in the City through strategic activities that enhance job growth and create investment opportunities, including actively encouraging the growth of the City's post-secondary educational institutions.

The City of Oshawa is home to four (4) universities and colleges:

- University of Ontario Institute of Technology
- Durham College
- Trent University
- Queen's University

In June 2017 the City of Oshawa teamed up with its educational partners and research partners (Canadian Urban Institute and University of Toronto) to spearhead an initiative called TeachingCity. The partners address Oshawa's urban issues through innovation, collaboration, applied research and shared experiential learning opportunities with the aim

to position Oshawa as a local, national and global community of urban research and learning.

Transport Canada and the Port Authorities could explore a similar model of partnership and collaboration between post-secondary institutions, researchers, local and provincial governments to discover innovative solutions to real life issues in the port industry.

In particular, the Port of Oshawa is encouraged to investigate collaboration with the Teaching City initiative in Oshawa.

#### **5.3.4 Theme 4: Safety**

As noted earlier, waterfront areas are of significant importance to shoreline municipalities, including Oshawa. As part of the City's efforts to promote its waterfront, the City is investigating the reestablishment of a boat launch in the harbor and have marketed the opportunity to reintroduce a marina facility for recreational boating as components of the City's waterfront revitalization plans. Given the presence of a working industrial port that is also important to Oshawa as a major generator of economic activity and jobs, working closely with the O.P.A. to ensure that recreational waterfront activity is safely accommodated is paramount. This activity includes boating as well as the use of the Waterfront Trail for active transportation purposes, where there is a need to ensure a safe crossing for pedestrians and cyclists where the trail traverses the main driveway leading into the port facility. Accordingly, it is recommended that Port Authorities continue to investigate ways of allowing safe public access to waterfront areas near ports.

Another key element under the theme of safety relates to a requirement under the Oshawa Harbour Land Use, Development and Municipal Services Agreement (see Attachment 4) between the City and the O.P.A. for the Port Authority to consult with Oshawa Fire Services to identify special needs and equipment. Port facilities may include uses and involve operations/activities that do not commonly occur in municipal settings outside of port lands. Accordingly, it is recommended that Port Authorities take appropriate steps to ensure that the need for specialized fire services/training is communicated with the host municipality and appropriate procedures are developed to contain potential incidents. It is also recommended that other Port Authorities consider similar types agreements with their host municipalities.

#### **5.3.5 Theme 5: Financial Support**

It is recommended that a sustainable funding source be established for Port Authorities to undertake the above recommended activities identified under the preceding themes. In addition, a sustainable funding source would enable investment in infrastructure, maintenance and modernization. Support staff for Port Authorities may be limited and in the absence of financial support to augment staff resources (either internally or externally), implementing the recommendations contained in this report may not be feasible.

In addition, it is recommended that the Crown be responsible for contributing financially to the costs incurred by a host municipality (at both the Regional and local area municipal level) for such matters as erosion control and road, bridge and other service infrastructure installation and/or maintenance attributable in whole or in part to the activities associated

with the Port Authority. For example, Port Authorities should be required to undertake traffic studies for a major development to determine the impact of traffic on Regional or City roads. If the study requires road improvements (i.e. traffic signals or road widenings) then the Crown should financially contribute to these improvements.

In addition, heavy truck traffic to and from a port can impact road quality.

### 5.3.6 Theme 6: Governance

In some cases, a Port Authority may operate in a location under the governance of more than one host municipality (such as an upper-tier Regional municipality and a lower-tier local area municipality). Given that the activities of the Port Authority in such circumstances will involve the use of resources and infrastructure (e.g., roads) under the jurisdiction of both levels of government, and the port's economic importance will similarly relate to both municipalities, appropriate Board representation for each host municipality is recommended (i.e. Regional and Local).

## 6.0 Financial Implications

There are no financial implications associated with the comments in this report.

## 7.0 Relationship to the Oshawa Strategic Plan

The comments are intended to advance the Economic Prosperity, Social Equity, Environmental Responsibility and Accountable Leadership goals of the Oshawa Strategic Plan.



Warren Munro, HBA, Director,  
Planning Services



Paul D. Ralph, BES, MCIP, RPP, Commissioner,  
Development Services Department

## Ports modernization review: discussion paper

As part of Transportation 2030, we are reviewing Canada Port Authorities, the arms-length corporations that run Canada's 18 ports of strategic importance. Join the discussion by reading about our review and submitting your input.

### Purpose and objectives

Transport Canada is reviewing [Canada Port Authorities](#). We're aiming to increase their ability to promote sustainable and inclusive economic growth through effective governance and innovative operations.

The review will focus on how ports can best advance five key objectives:

- Supporting the competitiveness of Canada's economy by facilitating the movement of goods and passengers
- Strengthening relationships with Indigenous peoples and local communities
- Promoting environmentally sustainable infrastructure and operations
- Enhancing port safety and security
- Optimizing governance and accountability, including with respect to financial management

This discussion paper explains the need for the review. It identifies considerations and questions that we at Transport Canada will consider through both public consultation and our own research and analysis.

### Setting the context

The marine sector is evolving. In 2016, the [Canada Transportation Act Review Report](#) was released. In the report, the independent review panel made many recommendations for Canada Port Authorities. The report also noted the need for more analysis and engagement about the future of Canada's ports system.

Also in 2016, the Minister of Transport unveiled [Transportation 2030](#). This is our strategic plan to support:

- trade and economic growth
- a cleaner environment
- the well-being of the middle class

Transportation 2030 has five themes:

- [The Traveller](#): support greater choice, better service, lower costs, and new rights for travellers
- [Safer Transportation](#): build a safer, more secure transportation system that you can trust
- [Green and Innovative Transportation](#): reduce air pollution and embrace new technologies to improve lives
- [Waterways, Coasts and the North](#): build world-leading marine corridors that are competitive, safe and environmentally sustainable, and enhance northern transportation infrastructure



- [Trade Corridors to Global Markets](#): improve the performance and reliability of our transportation system to get products to markets to grow Canada's economy

Ports will be big contributors. They will help us:

- improve our transportation system and how we get products to market
- grow our economy
- build world-class marine corridors that are competitive, safe and environmentally sustainable

As a plan, Transportation 2030 reflects much consultation with Canadians. Canadians told us that government, industry, Indigenous groups and communities must work together to strengthen the competitiveness of ports. We also heard that we must go beyond infrastructure investments. We need to use innovation, policy, regulations, partnerships and creativity to improve the efficiency of supply chains.

## How Canada's port system is structured

The 1995 National Marine Policy and the 1998 [Canada Marine Act](#) form the basis for today's port system.

The Policy laid out a detailed model for Canada's marine transportation system. Its key principles emphasized accountability to users and the public, business discipline and self-sufficiency. This was done to shift the cost of port operations from the general taxpayer to users.

The Act, meanwhile, placed federal ports of national significance on a commercial footing by creating 18 Canada Port Authorities. It also began the divestiture of other ports owned by Transport Canada to local interests such as provincial governments, municipalities and private organizations.

Together, these changes promoted a more competitive, effectively managed and sustainable port system.

## Why ports are important

Canada is a very large trading nation. Canadians rely on the port system for the goods they use and consume, and for getting their merchandise to domestic and international markets.

In 2017, ports and marine shipping carried almost:

- \$101 billion (19%) of Canada's **exports** to world markets
- \$116 billion (21%) of Canada's total **imports** by value

The commodities with the biggest shares of marine **exports** were:

- petroleum products (23.8%)
- grains and oilseeds (15.8%)
- mineral or stone products (9.5%)
- base metals (9.0%)
- pulp or paper products (7.2%)



The commodities with the biggest shares of marine **imports** were:

- petroleum products (17.8%)
- machinery (14.6%)
- motor vehicles and parts (11.7%)
- base metals (8.9%)
- chemical products (7.7%)

Canada Port Authorities alone handled about 60% of Canada's marine commercial cargo tonnage.

Ports play an important role in supporting economic development and enabling trade with the world. In Canada, ports:

- support local and regional economic development
  - They help local industries and provide well-paying, middle-class jobs
- contribute over 213,000 direct and indirect jobs and over \$25 billion to Canada's gross domestic product (according to a recent study by the Association of Canadian Port Authorities)

Their contribution affects communities and Canadians across the country, whether they are near a port or far away.

Ports are an important part of the supply chains and gateways to the world. They are also important members of the community. They manage lands often at the heart of municipalities and build partnerships with communities and Indigenous groups. Canada Port Authorities also have important regulatory functions in the areas of marine safety and security, and environmental protection. Canadians have a clear interest and stake in these areas.

## **Why we are reviewing Canada Port Authorities**

The Canada Port Authority system has served Canada well by supporting regional economic development and international commerce. But, over the past 20 years, the operating landscape has changed greatly. And it will likely continue to change at a greater pace. These changes mean new challenges and opportunities. We need to re-examine Canada Port Authorities to ensure our nation continues to be well-positioned to innovate and compete.

Key drivers of change include:

- an evolving marine industry
- reconciliation with Indigenous peoples
- local communities
- environmental protection and climate change
- safety and security
- governance



## **An evolving marine industry**

### **Marine industry consolidation**

The shipping industry has undergone a period of major restructuring. As of April 2018, only 10 shipping lines control more than 87% of deep sea shipping container capacity. Some members of the shipping industry are concerned with these mergers and acquisitions. They worry about issues like competition, carrier instability and services offered.

The shipping industry is ordering new, larger container ships to realize economies of scale. 20 years ago, the standard ship size was Post-Panamax. It could carry 4,000 to 8,000 twenty-foot equivalent units (TEUs) or standard-sized metal container boxes that can be transferred between ships, trains and trucks. Today, major ship building yards around the world are working on ships with 22,000 TEU capacity. Consolidation may mean that shipping companies use fewer of these larger ships to optimize their services on each trade route.

The consolidation of the shipping industry and the growth in ship sizes may deeply affect the port sector and our economy. How? By the number of ports at which ships call and the infrastructure and logistics services needed to support them. This consolidation will likely mean much more traffic for certain ports and added pressure to improve the efficiency of facilities and marine, rail and road connections.

### **Digital connectivity**

Technology is evolving. We now have:

- autonomous vessels
- expanded use of blockchain applications
- big data
- artificial intelligence
- [Internet of Things](#)

We expect technology to fundamentally change the maritime industry. How? By connecting everyone and everything in the supply chain. We may be able to help improve and streamline supply chain operations by gathering, sharing and analyzing data more effectively and securely.

How the marine sector adopts these technologies will be important. Ports are convergence points in the supply chain, so they will need to be at the centre of these innovations. They will need to work more closely with their users to maximize:

- coordination of supply chain logistics
- convergence across marine, road and rail suppliers, carriers and operators

Early adopters will set the pace for the marine industry, as they do in other sectors. They will likely gain greater benefits such as a larger client base and secure, broader access to global value chains for their national economies.





## People

People continue to be the heart of the marine sector's ability to support the economy and ensure the reliability of Canada's supply chains. For many years, the marine sector has been a source of quality jobs with good wages, stability and benefits.

During this time, transportation and logistics companies have consistently reported difficulty in keeping enough skilled and qualified workers at all levels. This problem could weaken regional economic development and trade if we don't take action.

New technologies and automation in several ports worldwide may mean many changes for the Canadian marine labour market. Technology has made ports more productive and has opened up new career possibilities, including for underrepresented groups.

Together, we need approaches for adapting workforce training systems to best support current and future workers. Government, employers, academic institutions and individuals will need to evolve and better understand the opportunities and challenges associated with the future of work in the sector. By working together, we can ensure our workforce is prepared and can successfully adapt to an ever-changing labour market.

## Reconciliation with Indigenous peoples

We are working to renew the relationship with First Nations, Inuit and Métis peoples based on the recognition of rights, respect, cooperation and partnership. Well over 100 Indigenous communities across Canada live and practice their protected rights near ports. These communities are diverse and how they interact with ports can vary a lot. Port-related activities may affect Indigenous communities, so Canada Port Authorities need to work closely with them to understand their concerns and needs.

We have done a lot of work toward reconciliation, including through the \$1.5 billion Oceans Protection Plan. The plan is made up of many initiatives to:

- improve marine safety
- improve responsible shipping
- protect our marine environment
- offer new possibilities to work with Indigenous communities

Some Indigenous communities have expressed a desire to see Canada Port Authorities reflect our commitment to reconciliation.

The partnerships between Canada Port Authorities and Indigenous communities vary. Both the Canada Port Authorities and Indigenous communities have shown they can build partnerships around concrete issues and can advance their interests through these relationships. But federal and Indigenous partners need to do more to come together. The perspectives and concerns of Indigenous communities are important factors that will shape the future of Canada Port Authorities.



## Local communities

Port cities are dynamic. Ports provide a long-term basis for local socio-economic development. They once served to welcome newcomers, and continue to generate jobs and provide goods.

But ports can also create challenges for local communities. Port operations as well as truck and rail connections can affect quality of life, such as through noise, traffic and poor air quality. Some communities, both in large and small cities and towns, have expressed concern that port activities occur without enough local involvement and at their expense.

Leading ports understand that working together with local communities is becoming very important to facilitating port development and operations. Examples of what ports are doing to include:

- hosting open houses to explain their major projects
- starting good neighbour committees
- talking with Canadians on social media

Through efforts such as these, ports can continue to provide local benefits while working to lessen negative effects.

Together, we will need to do more to make sure community partnerships effectively inform the pace of change at our ports. As trade grows, local communities will keep advocating for liveable communities. Ports will need to create and maintain community partnerships. This will affect how they share objectives and solve challenges.

## Environmental protection and climate change

We are working to protect the environment and address climate change. It is one of our priorities. The [Pan-Canadian Framework on Clean Growth and Climate Change](#) is our plan to grow our economy, reduce emissions and build resilience to a changing climate.

The transportation sector is a key part of this plan. It includes many actions to reduce greenhouse gas emissions from all transportation modes (marine, air, rail and road). It calls for the federal, provincial, and territorial governments to invest in building more efficient trade and transportation corridors, including investments in ports.

Ports must do their share to better protect the environment, and serve as environmental stewards. Canada Port Authorities:

- have added environmental and sustainable development practices and oversight into their governance structures
- have put environmental management systems in place based on internationally-recognized standards
- are global leaders through the Green Marine partnership, which helps them:
  - reduce the environmental footprint of the marine sector
  - focus on other issues such as local air quality and protecting marine species



Ports contribute to a greener, low-carbon transportation system. Such a transportation system creates new economic opportunities and good jobs and helps Canada remain an environmental world leader.

Together, we need to pay attention to the role ports play in environmental regulation and to their ability to adapt, build resilience and adequately prepare for climate risks. Why? As trade and transportation intensify, and as we better understand the effect of climate change, we will need to monitor and talk about the environmental effects of port-related activities.

## **Safety and security**

As Canadians, we enjoy a high degree of security. But world events show us that the maritime transportation system is not immune to safety and security threats. These threats could affect our physical and socio-economic well-being. This means we must secure our important port infrastructures and related transportation systems. This will make sure that criminal and security threats do not weaken the competitiveness of our ports.

Today, our maritime transportation system is more complex and interconnected than ever. The system involves much more than just vessels and port-specific activities. Every year, over 2.5 million TEUs move through our ports to be delivered by truck and train. The multimodal nature of Canada's port sector means that government and private sector partners need to take a broad view. Plus, the increasing reliance on automated systems and emerging technologies adds even more considerations.

Over the last two decades, we have been investing to secure our ports. Human and technical investments include:

- enhanced cargo screening
- advanced notification requirements for vessels
- automated targeting systems
- gamma-rays
- ion mobility spectrometers
- trace detection systems

These investments allow goods and people to transit safely and security through our ports.

Canada has a reputation as a trusted and effective maritime trading nation. But port users and operators depend on clear norms and procedures. Some industry players are moving forward with their own solutions to make marine transportation more efficient and secured.

For example, new blockchain applications show that security and the economy are two sides of the same coin. Regulations and practices will need to keep pace with an evolving safety and security landscape. And so will the partnerships across federal departments, provinces, communities, the private sector and international community that strengthen our performance in this area. How we adapt and advance collaborative solutions in this area will influence whether our reputation continues to constitute an advantage for our ports.



## Governance

Canada Port Authorities are federally incorporated, non-share corporations. They operate at arm's length from the federal government. They fulfil important public policy objectives such as:

- supporting economic development
- performing many regulatory functions relating to safety, security and environmental protection

They must be financially self-sufficient. We designed the corporate structure of Canada Port Authorities to let them be both sound businesses and accountable, transparent managers of public assets.

We established this governance model 20 years ago. It was suitable for the maritime sector and was rooted in the regional and socio-economic conditions and markets of those times. As our ports and neighbouring communities have prospered, we are seeing many new challenges. These challenges sometimes expose the potential limitations of this governance model to meet either:

- new demands
- the desire for greater scrutiny and accountability when they seize large development opportunities

The 2016 *Canada Transportation Act* review examined, in part, whether we needed to make changes to the current policy and legislative frameworks for port authorities to support our:

- economic growth and prosperity
- trade interests
- international competitiveness

The review suggested we need to do more work about:

- how ports are legally constituted, governed, and financed
- how to could support clearer approaches to planning and growth across the port system

As well, we note above that some Indigenous groups and municipalities have expressed a desire:

- for ports to respond better to their concerns
- to be more involved in decision-making activities that affect their interests and quality of life

While the Canada Port Authority system has proven to be strong, we now need to consider how the Canada Port Authority model can better reflect and align global and local considerations while maintaining a strong commercial orientation to day-to-day operations.

## Engagement questions for the review

The review will be evidence-driven. It will propose an updated model for Canada Port Authorities that helps them to continue supporting sustainable and inclusive economic growth.

It will examine the changing landscape under five key streams:

- [Innovation and trade logistics](#)
- [Partnering with Indigenous peoples](#)



- [Sustainability of ports and communities](#)
- [Port safety and security](#)
- [Port governance](#)

Based on your knowledge of Canada's port system and Canada Port Authorities, we invite you to consider the following questions and we welcome your input.

### **Innovation and trade logistics: review stream 1**

This stream will look at how to position ports in relation to key socio-economic and technological trends. Through this stream, the review aims to better understand how ports can continue to:

- support economic development and trade
- improve job opportunities
- respond to new technologies

More specifically, this stream will examine:

- marine transportation in Canada and the trade and traffic outlook, the role of ports in the supply chains and attributes of port competitiveness
- emerging socio-economic trends and changing technologies that affect ports and supply chains, and the ability of the port system to respond to opportunities and challenges created by these trends

**Q1. What trends will affect port operations and supply chains, and who are the port partners that are key to adapting to these trends?**

**Q2. Do ports have the appropriate infrastructure and supply chain integration in place to support future demand for transportation services?**

**Q3. What strategies could link business to research, and research to learners in support of innovative solutions and greater competitiveness?**

### **Partnering with Indigenous peoples: review stream 2**

This stream will look at how Indigenous perspectives can inform and shape the role of Canada Port Authorities in carrying out their mandate, particularly with respect to enabling partnerships for fostering socio-economic growth.

More specifically, this stream will examine:

- opportunities for Canada Port Authorities to reflect Canada's commitment to reconciliation with Indigenous peoples
- ways to promote and integrate understanding of Indigenous perspectives, including the needs and concerns of Indigenous groups, to explore available means for achieving mutually beneficial objectives

**Q4. How can Canada Port Authorities ensure their activities acknowledge Indigenous perspectives and values?**



**Q5. How can Canada and Canada Port Authorities best identify opportunities to develop mutually beneficial partnerships with Indigenous groups?**

**Q6. What current practices at Canada Port Authorities reflect to Government's commitment to reconciliation with Indigenous peoples and what additional steps can be taken?**

### **Sustainability and port communities: review stream 3**

This stream will look at:

- Canada Port Authorities' role in an environmentally responsible and low-carbon transportation system and how they can be more resilient in the face of climate risks
- how Canada Port Authorities can contribute to building healthy communities and integrate local perspectives in carrying out their mandate

More specifically, this stream will examine:

- Canada Port Authorities stewardship functions in support of environmental protection and sustainability
- the environmental liability of Canada Port Authorities as well as options for strengthening the federal government's environmental oversight role
- Canada Port Authorities accountability measures and relationships with local communities

**Q7. How can ports ensure their operations and future development remain environmentally sustainable and adapted to climate risks?**

**Q8. How can Canada Port Authorities contribute to building healthier communities?**

**Q9. What mechanisms could be put in place to increase Canada Port Authority transparency relating to their environmental performance?**

### **Port safety and security: review stream 4**

This stream will look at ways to enhance port safety and security in an evolving operating environment while advancing the goal of efficient movement of goods.

More specifically, this stream will examine:

- safety and security challenges to port operations
- private sector led approaches and solutions to maritime transportation services that can enhance security of our ports and related supply chain
- opportunities to strengthen partnerships between public and private sectors to advance new solutions and processes

**Q10. What are the current and emerging safety and security challenges facing Canadian ports?**

**Q11. What new actions and public-private collaborative efforts could be pursued to enhance safety and security at Canada's ports?**



## Port governance: review stream 5

This stream will look at ways to modernize the governance framework for Canada Port Authorities to seize the opportunities presented by a changing landscape, and to position themselves for success well into the future. More specifically, this stream will examine:

- opportunities to strengthen the governance framework of Canada Port Authorities, including examining government oversight and approaches for optimizing responsiveness to users
- models to enhance the delivery of regulatory functions while ensuring accountability and transparency
- tools and approaches, including financial instruments, that can support smarter planning and growth at ports and across the Canada Port Authority system

**Q12. Does the current governance model enable Canada Port Authorities to effectively manage their assets, support economic development and deliver their regulatory duties?**

**Q13. What models or approaches could be pursued to ensure Canada Port Authorities are more responsive to user and local perspectives?**

**Q14. Do Canada Port Authorities have the tools and partnerships they need to respond to an evolving maritime sector?**

## Submitting your input

Please submit your submissions either:

- directly at [Let's Talk Transportation](#)
- by email: [tc.portsreview-examendesports.tc@tc.gc.ca](mailto:tc.portsreview-examendesports.tc@tc.gc.ca)

## Further work and engagement

At Transport Canada, we will work with external experts to conduct research and analysis on various topics, including:

- traffic trends and forecasts
- the role of Canada Port Authorities in Canada's supply chains
- competitiveness barriers and opportunities
- innovation and best practices in port operations
- port governance, financing and service delivery models

As part of this review, we will conduct engagement activities throughout 2018 with stakeholders and partners, including:

- Indigenous groups
- provincial and municipal governments
- Canada Port Authorities
- industry
- academia and experts



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- associations and groups with a particular interest in port-related issues

The results of this work and engagement efforts will help shape the future of Canada's port system.



|                 |  |              |             |                         |                  |
|-----------------|--|--------------|-------------|-------------------------|------------------|
| <b>To:</b>      | Development Services Committee                   | <b>Item:</b> | DS-13-02    | <b>Date of Report:</b>  | January 10, 2013 |
| <b>From:</b>    | Commissioner, Development Services Department    | <b>File:</b> | B-1100-0309 | <b>Date of Meeting:</b> | January 14, 2013 |
| <b>Subject:</b> | <i>Oshawa Port Authority Draft Land Use Plan</i> |              |             | <b>PUBLIC REPORT</b>    |                  |

## 1.0 PURPOSE

The purpose of this report is to establish the City's formal comments on the Oshawa Port Authority's (OPA) Draft Land Use Plan.

The OPA requires that comments be submitted by 2:00 p.m. January 23, 2013.

On January 9, 2013 the OPA held a public meeting on the Draft Land Use Plan.

Attachment No. 1 is a map showing the Port Crown Lands that are the subject of the Draft Land Use Plan. The former marina lands are included in the Port Crown Lands at this time.

Attachment No. 2 is a copy of the OPA's Draft Land Use Plan including a portion of Annex 1 (Section 48 of the Canada Marine Act), all of Annex 2 – Letters Patent, all of Annex 3 - Settlement Agreement and Land Use, Development and Municipal Services Agreement and all of Annex 4 – 1984 Oshawa Harbour Development Plan. The OPA's entire Draft Land Use Plan and all of its Annexes are available on the OPA's website ([www.oshawaportauthority.ca](http://www.oshawaportauthority.ca)).

Attachment No. 3 is information from the OPA's Port Consolidation: Environmental Impact Assessment website ([www.oshawaportconsolidationinfo.com](http://www.oshawaportconsolidationinfo.com)) maintained by Franz Environmental Inc., which has been engaged by the OPA to carry out an Environmental Impact Assessment for the Port Consolidation Project. The Port Consolidation Project involves the construction of new dockage and lake filling on the east side of the harbour.

Attachment No. 4 shows the zoning for the Port Crown Lands in Zoning By-law No. 60-94.

Attachment No. 5 shows the floodplain areas that affect the Port Crown Lands.

Attachment No. 6 is a 2008 Port Oshawa "vision" that was prepared by the Oshawa Harbour Commission for the Honourable David Crombie.

## 2.0 RECOMMENDATION

That the Development Services Committee recommend to Council:

1. That the comments contained in Section 5.4 of Report DS-13-02 dated January 10, 2013 be endorsed as the City of Oshawa's comments on the Oshawa Port Authority's Draft Land Use Plan dated November 23, 2012.
2. That a copy of Report DS-13-02 dated January 9, 2013 and any related Council resolution be forwarded to the Oshawa Port Authority, Region of Durham, CLOCA, the OPUC and the Federal Minister of Transport, Infrastructure and Communities.
3. That staff be authorized to work with the Oshawa Port Authority to finalize and prepare an appropriate final Land Use Plan.

## 3.0 EXECUTIVE SUMMARY

Pursuant to the Canada Marine Act, the Oshawa Port Authority (OPA) is required to develop a land use plan within twelve months of the issuance of its Letters Patent and to provide an opportunity for public input prior to the land use plan coming into force.

On November 23, 2012 the OPA advertised the availability of a Draft Land Use Plan and advised that comments could be submitted until 2:00 p.m. on January 23, 2013.

The OPA's Draft Land Use Plan is considered by staff to be an initial step towards the preparation of a comprehensive and detailed final Land Use Plan. Additional work on a variety of issues is required and it is recommended that City staff be authorized to work collaboratively with the OPA in the further evolution of the Land Use Plan in conjunction with staff from the Region of Durham, CLOCA and the OPUC.

Section 5.4 of this Report includes a set of comments on the OPA's Draft Land Use Plan that staff recommend be endorsed by Council for submission to the OPA. The comments primarily identify issues that should be addressed in a final Land Use Plan to make it more robust, meaningful and comprehensive.

## 4.0 INPUT FROM OTHER SOURCES

### 4.1 General

➤ The following have been consulted in the preparation of this report:

- City Manager
- Community Services Department
- City Solicitor

#### 4.2 Auditor General

- The Auditor General was consulted and has no comments.

### 5.0 ANALYSIS

#### 5.1 Canada Marine Act

- The Canada Marine Act requires that a new port authority develop a detailed land use plan within twelve months after issuance of its letters patent. A port authority is also required to provide a minimum sixty-day opportunity for public input prior to the land use plan coming into force, including holding a public meeting.
- On January 25, 2012 the Letters Patent establishing the Oshawa Port Authority (OPA) were issued, notwithstanding that they were not published in the Canada Gazette until February 18, 2012. Therefore, the OPA is required to develop a land use plan by January 25, 2013.
- On November 23, 2012 the OPA advertised that:
  - Its Draft Land Use Plan was available;
  - A public meeting on the Draft Land Use Plan would be held on January 9, 2013 at the Quality Hotel and Conference Centre; and
  - The deadline for the submission of comments to the OPA is 2:00 p.m. on January 23, 2013.

#### 5.2 Other Port Land Use Plans

- City Staff has obtained copies of the Saint John Port Authority Land Use Plan, Port of Thunder Bay Land Use Plan, Windsor Port Authority Land Use Plan and Hamilton Port Authority Land Use Plan. These Land Use Plans have been reviewed and staff has identified common content themes as follows:
  - History of the port – A historical overview is provided as background.
  - Analysis of future economic opportunities – Future Port users and economic opportunities are identified.
  - Land use map – A land use map is included showing land use designations.
  - Land use designation policies – Detailed policies are included for respective land use designations.
- This type of content is not currently included or adequately addressed in the OPA's Draft Land Use Plan but should be.

### 5.3 Draft Land Use Plan

- Attachment No. 2 is a copy of the OPA's Draft Land Use Plan including a portion of Annex 1 (Section 48 of the Canada Marine Act), all of Annex 2 – Letters Patent, all of Annex 3 - Settlement Agreement and Land Use, Development and Municipal Services Agreement and all of Annex 4 – 1984 Oshawa Harbour Development Plan.
- The OPA's Draft Land Use Plan is quite brief and lacking in both content and detail. However, the OPA's Draft Land Use Plan states on Page 18 that "In continuing to develop the Draft Land Use Plan Annex 2 of the Land Use, Development and Municipal Services Agreement "Suggested Guidelines for the Preparation of a Land Use Plan" will be consulted".
- It is recommended that staff be authorized to work with the OPA to further develop the Land Use Plan in a collaborative manner. The Region of Durham, CLOCA and the OPUC should also be involved in this regard on a "working team" with the OPA and City staff.
- It is hoped that the City's comments on the Draft Land Use Plan will be addressed, in consultation with the above-noted "working team" and other interested parties, in a further final version of the Land Use Plan.

### 5.4 City Comments on the OPA's Draft Land Use Plan

- It is recommended that the following be provided to the OPA as the City's comments on the OPA's Draft Land Use Plan:
  1. Land Use Plan is a Reflection of the OPA Board: The OPA's Board of Directors must recognize that the Land Use Plan is a critical document that must clearly and definitively establish the land development goals, policies and standards that will be applied at the Port. The Port includes, or is adjacent to, several sensitive environmental areas, is largely unserved, has significant floodplain areas, has frontage on a number of prominent streets and has parkland, residential uses and the Waterfront Trail as "neighbours". The Land Use Plan will be a reflection of the vision and values of the OPA's current Board of Directors and, accordingly, must embody a commitment to consultation, appropriate port development, well planned and financed infrastructure, environmental protection and land use compatibility. The Draft Land Use Plan does not currently reflect this type of commitment and should be revised accordingly with the assistance of a "working team", recognizing that the final Land Use Plan is concluded and adopted by the OPA Board.
  2. Working Team: City staff are authorized to work with the OPA to further develop the Land Use Plan. The Region of Durham, CLOCA and the OPUC should also be involved with the OPA and City staff on the "working team".

3. Canada Marine Act:
  - (a) The OPA appears to be meeting the basic timing requirements of the Canada Marine Act in terms of developing a Land Use Plan within twelve months of the issuance of the Letters Patent establishing the OPA.
  - (b) The OPA's Draft Land Use Plan does not appear to be meeting the "content" requirement of Section 48(1) of the Canada Marine Act which requires the OPA to develop a "detailed land-use plan that contains objectives and policies for the physical development of the real property and immovables that it manages, holds or occupies and that takes into account relevant social, economic, and environmental matters and zoning by-laws that apply to neighbouring lands". The Land Use Plan should be revised to clearly address all of the requirements in Section 48(1) of the Canada Marine Act.
4. Commitment to a More Robust and Comprehensive Plan: The OPA, due to time constraints pursuant to the Canada Marine Act, should publicly acknowledge that the current Draft Land Use Plan is simply a "start" and formally commit to preparing a more robust, detailed, meaningful and comprehensive plan that addresses all required issues.
5. Content of Land Use Plan: The final Land Use Plan should address all of the items suggested for inclusion in the OPA's Land Use Plan in Annex 2 of the Land Use, Development and Municipal Services Agreement (LUDMS Agreement) between the Oshawa Harbour Commission and the City of Oshawa. These items, plus additional items for inclusion, are mentioned in the subsequent comments, as well.
6. Opportunity Assessment: The Land Use Plan should include an opportunity assessment report to determine the business opportunities available for the OPA and the physical needs of these opportunities. The opportunity assessment should consider and prioritize those opportunities that need to be at the Port versus elsewhere given the limited amount of land at the Port and the Port's uniqueness within the Regional context. The opportunity assessment, for instance, could identify a need for X square feet of warehousing, type of warehousing, X square feet of outdoor storage, RO/RI, agricultural exports, etc.
7. Land Use Map: The OPA's Land Use Plan should include a land use map showing land use designations and applicable policies for respective land use designation areas. In this regard:
  - (a) Other Port Authorities include land use maps as part of their formal Land Use Plans. The Saint John Port Authority and Hamilton Port Authority Land Use Plans show detailed land use designations. The Windsor Port Authority and Thunder Bay Port Authority Land Use Plans show more general land use designations.

- (b) The more detailed land use designation approach would be most appropriate for the OPA's Land Use Plan given the number and complexity of planning issues that need to be addressed.
  - (c) Each land use designation should be mapped and tied to a set of permitted uses and policies that govern each designation. The Draft OPA Land Use Plan has some policy language and a general description of future uses but it needs to be more consistent and focused. The inclusion of a land use map with land use designations and related policies would assist in providing clearer direction.
  - (d) The CN rail spur extension and its berms must be shown on the land use map including those lots and blocks that can have access to the spur.
  - (e) Land Ownership: The Land Use Plan should identify land owned by the Federal Crown and any land owned by the OPA or others that are referenced in the Land Use Plan.
8. Permitted Uses: The Land Use Plan should include a section on permitted uses. In terms of permitted land uses, the Land Use Plan should:
- (a) Not permit an ethanol refinery in accordance with City Council's position.
  - (b) Specify the permitted uses and timing provisions of the Land Use, Development and Municipal Services Agreement as it applies to the West Wharf Crown Lands.
  - (c) Commit to completely transforming the West Wharf over the medium term and after completion of the Port Consolidation Project (e.g. after the new East Wharfage is built) consistent with the Harbour Commission's 2008 Vision (see Attachment No. 6).
  - (d) Establish appropriate permitted uses for the eastern and northern parts of the harbour taking into consideration the "advice" embodied in the City's Official Plan and Zoning By-law as approved by the Ontario Municipal Board (OMB). Notwithstanding that City planning documents do not apply to the Crown Port Lands, such planning documents do provide a reasonable starting point and context. In this regard:
    - (i) Attachment No. 4 shows the zoning districts for the Port Crown Lands as approved by the OMB in 1996.
    - (ii) The OMB issued its decision at the conclusion of a lengthy hearing where the City of Oshawa and Oshawa Harbour Commission presented considerable evidence regarding future land uses in the Oshawa Harbour area. The OMB considered the professional, engineering and other evidence and related legal arguments and provided an objective decision

that should be given careful consideration and followed wherever possible by the OPA.

- (e) Follow the OMB approved Special Waterfront Area land use designation and related policies for the former Gifford Farm in the Oshawa Official Plan. The OMB also approved SW (Special Waterfront Zone) and related regulations for most of the former Gifford Farm in Zoning By-law No. 60-94. The current planning provisions approved by the OMB would permit most of the former Gifford Farm to be used for certain prestige industrial and office uses, cultural and community uses and open space and recreation uses.
  - (f) Prior to any development of the Lake Ontario shoreline area south of the Gifford Hill, the OPA Land Use Plan should require that the matters outlined in the "h-13" holding zone provisions of Zoning By-law No. 60-94 be addressed as follows:
    - (i) A study that indicates that:
      - i. Policy 3.1.3 of the Provincial Policy Statement 1996 regarding lands subject to erosion hazards is met;
      - ii. Development will not have an adverse impact on the ecological function of the shoreline area; and
      - iii. Development will not significantly interfere with the view of Lake Ontario from the crest of the Gifford Hill before SW uses are permitted on the is zoning requires along the south (Special Waterfront Zone subject to a holding ) symbol; and
    - (ii) An appropriate site plan agreement is executed.
9. Identify Activities of OPA: The Land Use Plan should reference and address potential activities that the Letters Patent (Annex 2 to the Draft OPA Land Use Plan in Attachment No. 1) allow the OPA to be involved in:
- (a) As a Crown agent (e.g. dredging, berths, wharfs, docks, vessel fuelling stations, transportation terminals, warehousing, OPA offices and facilities for finish or assembly work incidental to the handling or shipping of goods, etc.);
  - (b) Without using Crown agent status (e.g. administration, leasing or licensing property for manufacturing, fabricating or processing of goods incidental to the handling or shipping of goods through the port, rest areas, public parks, restaurants retail operations, operate a marina, etc.).
10. Port Consolidation Project: The OPA Land Use Plan should address all known aspects of the Port Consolidation Project (e.g. additional wharf being created, additional land being created, additional opportunity for tenants and users being created, etc.) and the resultant and intended movement of industrial uses and activities from the West Wharf Crown Lands to the East Wharf. Attachment No. 3

- provides an overview of the ongoing Environmental Impact Assessment for the Port Consolidation Project.
11. Harbour Road Extension: The City and the OPA should discuss their mutual rights and obligations pursuant to the Harbour Road Extension Agreement dated July 1976 between the City and the Oshawa Harbour Commission and the merits of amending the Agreement to save both parties money, to better protect the Second Marsh and to advance Port security. In this regard, there is merit in discussing the limiting of the easterly extension of Harbour Road to save money and protect the marsh; there is merit in discussing the design standards for the road; there is merit in discussing making the road a private driveway for use by OPA tenants only; etc. The conclusion of these discussions should be reflected in the final Land Use Plan.
  12. Public Access to Pier and Eastern Beach: The Land Use Plan should commit to continued public access to the pier and the eastern part of the beach at Lakeview Park and recommend an appropriate agreement with the City that will provide for long term public access.
  13. Floodplain: The Draft Land Use Plan does not reflect the significant flood risk that exists at the harbour. Accordingly, the Land Use Plan must be revised to recognize that much of the Port lands are in a floodplain. The West Wharf Crown Lands are located in the Oshawa Creek floodplain. There is also a floodplain associated with Montgomery Creek. Attachment No. 5 shows the Oshawa Creek and Montgomery Creek floodplains in the Harbour area. The OPA Land Use Plan must recognize the risks and implications of flooding, provide appropriate policy direction on potential development in the floodplain, identify appropriate uses in the floodplain, identify any preferred floodproofing/flood mitigation measures, etc.
  14. Marina Lands: The Draft Land Use Plan acknowledges that the Settlement Agreement provides the City with the opportunity to acquire the site of the former marina but states that should the marina lands remain under the jurisdiction of the OPA those lands will be developed for a public purpose including a public boat launch, waterfront trail, picnic area and fishing stations. This is considered to be a reasonable approach by the OPA regarding the Marina Lands. If the Marina Lands are to remain with the OPA, the Land Use Plan should commit the OPA to consult with the City about the coordination with park facilities on adjacent City lands. In addition, since the Federal government is currently remediating the Marina Lands to an industrial-commercial standard, the Land Use Plan should recognize that the OPA may need to undertake further environmental remediation of the Marina Lands to bring them to a parkland standard.
  15. Sensitive Environmental and Cultural areas: The Land Use Plan must be revised to identify and establish policies which will protect all environmentally and culturally sensitive areas in and around the port. In this regard:
    - (a) The Montgomery Creek valley forms part of the Provincially Significant Oshawa Creek Coastal Wetland Complex. The OPA Land Use Plan should establish



appropriate environmental setbacks/mitigation policies which will protect the wetland complex on a go forward basis from potential negative impacts from Port activities and users/tenants.

- (b) The Oshawa Creek valley forms part of the Provincially Significant Oshawa Creek Coastal Wetland Complex. The OPA Land Use Plan should establish appropriate environmental setbacks/mitigation policies which will protect the wetland complex on a go forward basis from any potential negative impacts from Port activities and users/tenants.
  - (c) The Second Marsh is to the east of the Port and is a Provincially Significant Wetland. The Draft OPA Land Use Plan states that "A Zone will be maintained as a buffer and berm area with no public access and planted with indigenous species in recognition of the proximity of Oshawa Second Marsh". The OPA Land Use Plan should be more specific about maintaining a 120 metre wide buffer zone beside the Second Marsh. This corresponds to the 120 metre protection area specified in the Provincial Policy Statement for lands adjacent to a Provincially Significant Wetland. The OPA Land Use Plan should also establish appropriate policies that will protect the Second Marsh on a go forward basis from any potential negative impacts from port activities and users/tenants.
  - (d) Lake Ontario abuts the Port lands and is a significant natural resource and the source of Durham Region's drinking water. The OPA Land Use Plan should establish policies that will protect the Lake on a go forward basis from any potential negative impacts from the port activities and users/tenants.
  - (e) Archeological Resources: The Port area has a high potential for archeological resources. The Draft Land Use Plan should include policies that will respect and protect such resources from loss during development activities.
16. Urban Design Plan: The OPA's Land Use Plan should include a simple urban design plan that will address such matters as:
- (a) Lot-block structure for leases and licenses;
  - (b) Setback and other regulations and design guidelines for each lot/block;
  - (c) Building aesthetics and setbacks in highly visible port area(s) (e.g. along Simcoe Street South, Harbour Road and Farewell Street);
  - (d) Screening, fencing and landscaping in highly visible areas; and
  - (e) For reference, the OMB approved an Urban Design Plan and Design Guidelines for the Gifford Farm in 1997.
17. Waterfront Trail: The Waterfront Trail travels through the Port lands including along Simcoe Street South, Harbour Road and to the Second Marsh along the planned extension of Harbour Road. The OPA Land Use Plan should recognize the Waterfront Trail, including policies that respect users of the trail and which commit to appropriate buffering, landscaping and urban design on abutting OPA lands.

18. Roads: The City and Region are responsible for a road system in and around the Port and the condition, capacity and design of the roads are critical to the OPA. The OPA must consult with City and Region of Durham staff regarding the transportation needs and operational practices of the Port. This includes reviewing road connections, capacity requirements/constraints, required improvements, truck traffic and routes, pedestrian and cycling routes, and transit. In particular, truck traffic to and from the Port should be directed to Farewell Street and avoid Simcoe Street South whenever possible.
19. Contaminated Land: The Land Use Plan should reference the environmental status of the soil and groundwater at the Port lands and establish a clean-up or risk management strategy. The Land Use Plan should also identify the manner in which "benchmark" soil conditions will be established prior to further use and tenancy and the manner in which the OPA will protect itself financially and otherwise from soil contamination or groundwater contamination by users/tenants, etc.
20. Operational Guidelines and Development Standards: The Land Use Plan should reference the standards and requirements applicable to users/tenants in terms of site development, erosion control during construction, applicable building code standards, applicable emergency and fire standards, appropriate air and water emissions standards, appropriate noise standards (including late night noise, weekend noise and noise when community events are being held in adjacent parkland), lighting standards, odour standards, impact studies, etc. Also included should be mechanisms to monitor and enforce the standards. For instance, the OPA should use third party engineers (paid for by the users/tenants/developer) and commercial letter of credits, etc. to ensure compliance with the standards, to protect the OPA and to ensure the OPA gets what was represented, etc. Establishing the standards is not as daunting or complicated a process as it may seem because proven development and operating standards exist and are used daily by the Province, CLOCA, the City, etc. The OPA should adopt many of these standards, as they "work" and represent the standards to which the vast majority of developers and businesses are held. For instance, the OPA should adopt Provincial air and water emissions and noise standards as its standards and apply them to the Port lands through the Land Use Plan. CLOCA has a proven approach to soil erosion during construction that could be adopted. There are other good examples as well.
21. OPA as Land Manager: The Land Use Plan should specify the responsibility the OPA has for managing the Federal Crown land.
22. Leasing and Sales: The Land Use Plan should identify whether leases, licenses, sales or a combination are available and confirm a market rate principle.
23. Servicing Plan and Strategy: The Land Use Plan should address the current availability, need for, cost and timing of future services to various parts of the Port. Appropriate and timely port development cannot be accomplished without confirming servicing requirements and capacities with the applicable authorities and

providing for costs. Services take some time to plan, design and develop and a well thought-out servicing scheme/strategy should form part of the Land Use Plan. In this regard, the servicing plan and strategy should address:

- (a) Manner in which each lot/block/area is intended to be serviced by municipal services and utilities;
- (b) Applicable environmental laws, policies, and regulations and best practices relevant to any proposed municipal services and utilities or private services;
- (c) Methods of financing any municipal services and utilities or private services;
- (d) Operation and maintenance strategy protocol for private facilities.

24. A Master Grading/Stormwater Management Plan: The Land Use Plan should include a master grading/stormwater management report that addresses, at a minimum:

- (a) Overall grading of the Port lands;
- (b) Drainage/catchment areas;
- (c) Emergency spill containment system;
- (d) Points of discharge;
- (e) Impact on receiving bodies;
- (f) Methods of financing any municipal stormwater services or private services;
- (g) Applicable environmental laws, policies, regulations and best practices relating to grading, storm water management and spill containment;
- (h) Operation and maintenance strategy/protocol for private facilities.

25. Fire Protection and Emergency Services Plan: Clause 7 of the Land Use, Development and Municipal Services Agreement between the OPA and the City required that the OPA prepare a fire protection and emergency services plan. This has not been done. This Fire and Emergency Plan must be prepared for obvious reasons and could form an Appendix to the Land Use Plan. The Fire and Emergency Plan, at a minimum, is to relate to each building and is to specify site conditions, response procedures, fire routes, maintenance of roads, first responder and secondary responder(s).

26. Spills: The above-noted Fire Protection and Emergency Services Plan should also include a section on spill avoidance, spill reporting protocols, clean-up, etc.

27. Professional Engineering and Planning Resource: The OPA should engage a professional engineering and planning consultant to assist in the further development and finalization of the OPA Land Use Plan. This additional resource could assist the efforts of the proposed working team.

28. Further Consultation: The OPA should commit to and include in its Land Use Plan a policy that requires further public consultation whenever it is considering major revisions to the OPA Land Use Plan.

29. Regular and Public Review: The OPA should commit to and include in its Land Use Plan a policy that requires a review process with public input every five years in respect to the Land Use Plan.

30. Financial Plan: The OPA should ensure that its Land Use Plan is affordable (e.g. cost of services, cost of other infrastructure, etc.) and sustainable from a life cycle costing perspective.

## 6.0 FINANCIAL IMPLICATIONS

- There are no financial implications associated with the Recommendation.
- However, Council approval of the Recommendation would result in staff time being spent in working with the OPA on the finalization of the OPA Land Use Plan.
- Council approval of the Recommendation would also authorize City staff to investigate alternatives to the full easterly extension of Harbour Road with the OPA and has the potential to result in cost savings for both the City and the OPA.

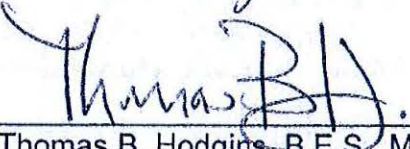
## 7.0 RELATIONSHIP TO THE OSHAWA STRATEGIC PLAN

- Commenting on and assisting with the development of the OPA Land Use Plan would advance the Economic Prosperity and Environmental Responsibility goals of the Oshawa Strategic Plan.



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Evan Rodgers, M.Sc.(Pl.), M.C.I.P., RPP, Director  
Special Development Initiatives



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Thomas B. Hodgins, B.E.S., M.A., RPP, Commissioner  
Development Services Department

Attachments  
ER/c

December 22, 2016

File: A-2312-0015

Expert Panel  
Review of Environmental Assessment Processes

Via email to: [EAreview\\_Participation@Canada.ca](mailto:EAreview_Participation@Canada.ca)

**Re: City of Oshawa Comments for Consideration by the Expert Panel Reviewing Federal Environmental Assessment Processes**

In response to the opportunity provided by the Expert Panel to submit comments with respect to the review of federal Environmental Assessment (EA) processes, please be advised that City Council at a meeting held on December 19, 2016 authorized City staff to directly submit comments to the Expert Panel (see attachment). Accordingly, on behalf of the City of Oshawa, I am writing to ask that the Expert Panel consider as part of its review of the EA processes the following comments. This input is based largely on the City's first-hand experience dealing with a major development proposal (a 210-million-litre annual ethanol fuel production refinery) on Crown lands at Oshawa Harbour, under the jurisdiction of the Oshawa Port Authority (OPA).

#### **1. Consideration of Local Municipal Policies**

A key issue of concern is that federal EA review processes and the outcomes of EAs do not consistently have regard for local municipal policies. Policies are developed at the municipal level with extensive professional staff input, public consultation, and debate at Council, and ultimately reflect the decision of a democratically elected Council. The consideration given to planning instruments such as municipal Official Plans and Secondary Plans (which carry legislative weight) and urban design guidelines and precinct plans (which are adopted by Councils but do not carry weight under the Ontario Planning Act) is inconsistent – or non-existent - in federal EA review processes. Guideline documents are increasingly being developed with a substantial amount of public consultation with the expectation that they will be upheld by Council, staff, and the Ontario Municipal Board (OMB). However, at the federal EA level, these documents are frequently disregarded.

The City of Oshawa's recent experience with a proposed ethanol fuel production refinery along the City's waterfront exemplifies this type of disregard for core planning instruments as well as guidelines serving to articulate policy documents. Despite being approved by the OMB (the highest planning approval authority in the province), policies contained in the City's Official Plan for the harbor area, together with associated urban design guidelines, were disregarded on the basis that the proposed facility was located on federal Crown lands, and therefore not subject to municipal planning policies and regulations.

In this instance, disregard for the municipal policy context gave rise to significant concerns with respect to land use conflicts. The municipal approach to land use planning is holistic in nature, to ensure that land use conflicts do not arise and that issues with respect to

compatibility are appropriately addressed. Given the sensitive nature of land uses directly adjacent and in proximity to the proposed ethanol fuel production refinery – including two Provincially Significant Wetlands, the Oshawa portion of Ontario's Waterfront Trail (which stretches through 41 communities from Niagara-on-the-Lake to the Quebec border along the shores of Lake Ontario and the St. Lawrence River), and other open space and recreational uses deemed to be sensitive uses in accordance with the Ontario Ministry of the Environment and Climate Change's Land Use Compatibility Guidelines – the land use policies and guidelines approved for the harbour area by the OMB established a framework for development predicated on ensuring compatibility with these sensitive land uses. However, under the federal EA review process, this planning framework was not considered to be applicable to guide the development of the lands, to the extent that an ethanol fuel production refinery - a land use wholly incompatible with the planning framework established at the municipal and provincial level - was able to be advanced.

In view of the foregoing, it is requested that more weight be given to local municipal policies, including land use and environmental management policies in area municipal Official Plans, as part of federal EA review processes.

## **2. Consideration of Decisions/Recommendations of Municipal Councils**

Similar to the comments provided with respect to Item 1 above, federal EA review processes and the outcomes of EAs do not consistently have regard for the decisions and/or recommendations of local host municipalities. There is a need for a consistent approach to having regard to municipal decisions, to ensure that the weight given to municipal decisions is not only respectful of the fact that they constitute decisions made by a democratically elected Council, but that the level of regard is applied consistently. Among the various levels of government, regional and area municipal councils are best positioned to make informed decisions and recommendations that reflect local knowledge, conditions and values. Accordingly, more regard and weight should be given to the decisions/recommendations of municipal Councils, applied consistently, as part of federal Environmental Assessment (EA) review processes.

## **3. Compliance With Regulatory Standards and Guidelines**

While there generally is a level of consistency between various regulatory standards and guidelines at the provincial and the federal level dealing with such matters as environmental and resource management and protection, there can be differences. Such was the case with respect to the proposal for the aforementioned ethanol fuel production refinery. The proponents of the facility considered the project to be exempt from compliance with any standards and guidelines save those established at the federal level given that the subject proposal was on federal Crown lands. Consequently, work undertaken by the proponent's consultants was scoped to only address federal requirements.

Conversely, municipal and provincial staff (including staff at the Ontario Ministry of the Environment and Climate Change) sought to ensure that the project was evaluated in accordance with provincial standards and guidelines, which required additional work to be undertaken to address provincial requirements and obtain Certificates of Approvals for air

emissions, noise emissions, stormwater management works, sewage works and effluent water discharge.

In view of the foregoing disparity, projects subject to federal EA processes should also be subject to compliance with Provincial regulatory standards and guidelines where such standards and guidelines are more rigorous than federal standards and guidelines. This will ensure that in any given jurisdiction, projects subject to federal EA processes will meet or exceed all relevant provincial requirements.

#### **4. Provision of a Sustainable Funding Source for Peer Reviews**

As part of a host municipality's due diligence when evaluating potentially sensitive development proposals, outside consultants must periodically be engaged to peer review EA screening report materials. External legal counsel with expertise in the relevant subject matter(s) must also be retained at times. It is not possible in all instances for municipalities to meaningfully respond and draw conclusions on the potential for significant adverse environmental effects using in-house staff resources.

EA screening and supplementary reports can be voluminous. In terms of the aforementioned proposal for an ethanol fuel production refinery on Oshawa's waterfront, the associated reports included thousands of pages of highly technical material in a variety of fields of expertise. The City incurred significant costs retaining external expert help to ensure that the public interest in the project was appropriately served.

Given that municipalities represent the public interest with respect to projects within their boundaries, it is critical that municipalities have the ability to make informed decisions on projects affecting their communities and constituents. Accordingly, a sustainable funding source should be implemented to assist key stakeholders, including host municipalities, to peer review supporting documents and reports submitted by proponents of development projects subject to federal EA processes.

#### **5. Implementation of Appropriate Timelines**

The Canadian Environmental Assessment Act (CEAA) governs projects of varying size, complexity and potential for significant impacts. When determining time lines that are appropriate for the review of projects subject to federal EA processes, it is important to bear in mind that a key element of meaningful public participation is "reasonable timing". The CEAA Public Participation Guide states that "a public participation process should provide the public with a fair and reasonable amount of time to evaluate the information presented and to respond to project proposals and to proposed decisions by proponents and responsible authorities".

More complex proposals involve large amounts of information, often technical in nature. Comment periods for such proposals should be of sufficient duration to provide the time necessary to conduct full and detailed independent peer reviews, particularly peer reviews by consultants engaged by municipalities to ensure that the public interest is appropriately served. Equally important, time lines for providing comments should take into account the

logistics of scheduling and presenting material for appropriate consideration by municipal Committees and Councils.

Oshawa's efforts to provide meaningful comments on the proposed ethanol fuel production refinery at Oshawa Harbour required staff to request a deadline extension, which was only granted after the City retained legal counsel in response to the initial rejection of the City's request. To compound matters, the review period took place during the summer vacation period, when City Council recesses for July and August. These types of challenges constrain the ability of municipalities - which represent the public interest within their boundaries - to meaningfully participate in the CEAA process.

#### **6. Permission for Physical Access to Sites**

As part of a host municipality's due diligence and review of EA-related documents, a key factor enabling the assembly of informed and meaningful comments is the opportunity to conduct a site walk. A site walk by the host municipality for a development proposal - particularly those significant in scope - is a reasonable request and a key component of due diligence. Accordingly, permission for municipal staff (and for consultants engaged by a municipality to assist in the EA review process) to access a project site for the purpose of conducting a site walk should be made available, subject to any appropriate related conditions (e.g., indemnification, security procedures, etc.).

With respect to the proposed ethanol fuel production refinery at Oshawa Harbour, it has been the City's experience that such requests are referred to the land owner, with the explanation that it is in their purview to respond to such requests. In the case of the proposed ethanol plant, the land owner refused permission for the City and its consultants to conduct a site walk, notwithstanding the City's offer to comply with any appropriate related conditions. This impeded the City's ability to provide more fulsome, informed comments than would otherwise have been the case if permission had been granted.

#### **7. Identification of Similar Projects/Facilities**

An additional component of due diligence and thoroughly reviewing EA material is to investigate and even visit other existing facilities that share identical or similar technologies or processes. City of Oshawa staff, for instance, undertook to search out and identify operating facilities similar to the proposed ethanol fuel production facility at Oshawa Harbour for the purposes of arranging a site visit and collecting comparable data. Evaluating a proposal against existing comparators is a sound methodological practice; accordingly, information with respect to comparable facilities elsewhere should be made available to host municipalities in a timely fashion as part of an open, transparent information-sharing process.



If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2307 or by email to [tgoodeve@oshawa.ca](mailto:tgoodeve@oshawa.ca).



Tom Goodeve, MCIP, RPP, Principal Planner  
Development Services Department

TG/c

Attachment

- c. Paul Ralph, Commissioner, Development Services  
Warren Munro, Director, Planning Services

**Hugh Peacock Requesting the City Authorize a Submission to the Expert Panel for Review of the Environmental Assessment Processes (DS-16-222)**

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Whereas the Minister of Environment and Climate Change (the Minister) has established an Expert Panel to review federal environmental assessment processes; and,

Whereas the Expert Panel has been obtaining public input and will be developing recommendations to the Minister which are intended to regain public trust, help get resources to market and introduce new, fair environmental assessment processes; and,

Whereas correspondence has been received from Hugh Peacock requesting that City Council authorize a submission to the Expert Panel for reviewing federal environmental assessment processes given the City's previous experience in dealing with development proposals (e.g. proposed Ethanol Plant) on lands under federal jurisdiction in proximity to sensitive land uses, including key natural heritage features (e.g. Second Marsh); and,

Whereas written comments to the Expert Panel are due by December 23, 2016; and,

Whereas it is appropriate for the City to submit certain comments to the Expert Panel;

Therefore, staff be authorized to directly submit comments to the Expert Panel and that the comments generally include the following input:

- (a) More weight should be given to local municipal policies, including land use and environmental management policies in area municipal Official Plans, as part of Federal Environmental Assessment (E.A.) review processes;
- (b) More regard and weight should be given to the decisions/recommendations of local host municipalities as part of Federal Environmental Assessment (E.A.) review processes;
- (c) Projects subject to Federal E.A. processes should also be subject to compliance with Provincial regulatory standards and guidelines where such standards and guidelines are more rigorous than federal standards and guidelines;
- (d) A sustainable funding source should be implemented to assist key stakeholders, including host municipalities, to peer review supporting documents and reports submitted by proponents of development projects subject to Federal E.A. processes;
- (e) Timelines for providing comments should take into account the logistics of preparing and presenting material for appropriate consideration by Municipal Committees and Councils;
- (f) As part of a host municipality's due diligence in reviewing E.A. related documents and reports, permission for municipal staff - and for consultants retained by a municipality to assist in the document review - to access the site of a proposed development for the purpose of conducting a site walk should be made available, subject to any appropriate related conditions (e.g., indemnification, security procedures); and,
- (g) For the purposes of evaluating a proposal against existing comparators – a sound methodological practice – information with respect to comparable facilities elsewhere is key, and should be provided to host municipalities in a timely fashion as part of an open, transparent information-sharing process.

\* Sections indicated with an \* survive termination

LAND USE, DEVELOPMENT AND MUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BETWEEN:

OSHAWA HARBOUR COMMISSION ("OHC")

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF OSHAWA ("City")

OF THE SECOND PART

WHEREAS:

- A. The OHC operates the Port of Oshawa ("Port"), an industrial port within the City of Oshawa and the Region of Durham;
- B. The Minister of Transport intends to continue the OHC as a port authority within the meaning of the *Canada Marine Act* to be named "Oshawa Port Authority";
- C. On such continuance Oshawa Port Authority will acquire by operation of law all of the rights and obligations of the OHC, including, without limitation, those contained in this Agreement;
- D. The OHC is responsible and, upon its continuance, Oshawa Port Authority, will be responsible to operate the Port and administer the Crown's real property at the Port in accordance with applicable federal laws;
- E. The City and the OHC are both committed to the economic development of the Oshawa Harbour area and Durham Region, the provision of employment, the efficient movement of goods and people, and the preservation of the Port as an industrial port;
- F. The City agrees to encourage the modernization, economic development, and expansion of the Port and agrees to cooperate with all levels of

government to maximize the economic, industrial and commercial potential of the Oshawa Harbour;

- G. The City acknowledges that it is the intention of the Minister of Transport and the OHC, that the Crown will take title to those lands at the Port registered in the name of the OHC prior to the issuance of the letters patent that will establish Oshawa Port Authority, and that Oshawa Port Authority will manage all the Crown's real property at the Port;
- H. The OHC and the City each acknowledge the independence of the other and the obligation of each to act in a manner consistent with its respective enabling legislation;
- I. The City and the OHC wish to cooperate and establish meaningful consultations between them in respect of land use, land development and municipal services in the Oshawa Harbour area, and to establish an ongoing liaison framework for that cooperation and consultation;
- J. This Agreement contains commitments that are being made by each of the Parties in a spirit of cooperation, and is based on the belief that these commitments will be of mutual benefit to the parties;
- K. The City and the OHC acknowledge the importance of each to the other, the necessity for a good, effective and successful working relationship between them and commit to this Agreement to guide that relationship;
- L. On April , 2010, by Resolution No. the Council of the City of Oshawa authorized the City to enter into this Agreement and authorized the Mayor and the City Clerk to execute this Agreement on behalf of the City;
- M. On April , 2010, by Resolution No. the members of the OHC authorized the OHC to enter into this Agreement and authorized and to execute this Agreement on behalf of the OHC;

**NOW THEREFORE THIS AGREEMENT WITNESSETH THAT** in consideration of the premises, the mutual covenants and agreements herein contained, and other good and valuable consideration, the Parties hereto agree as follows:

**1. DEFINITIONS AND ANNEXES**

**1.1 Definitions**

In this Agreement,

**"Agreement"** means this Land Use, Development and Municipal Services Agreement;

**"CPA"** means the Canada port authority to be established by the issuance of letters patent continuing the OHC as a port authority within the meaning of the *Canada Marine Act*;

**"City"** means The Corporation of the City of Oshawa;

**"Crown"** means Her Majesty the Queen in right of Canada as represented by the Minister of Transport;

**"Crown Lands"** means those lands registered in the name of Her Majesty the Queen in right of Canada at the Port and those lands to be registered in the name of Her Majesty the Queen in right of Canada at the Port, as generally depicted on Annex 1 to this Agreement;

**"East Wharf"** means Parcels 12 and 15;

**"Effective Date of this Agreement"** means the date first above written;

**"Fire Services"** means fire protection provided by the City;

**"Letters Patent"** means letters patent issued in respect of the continuation of the OHC as a port authority pursuant to the *Canada Marine Act*;

**"Municipal Services"** means services delivered or operated by the City to or in respect of industrial lands in the City of Oshawa, and includes Fire Services, storm sewers and municipal roads under the jurisdiction of the City;

**"Notice"** has the meaning ascribed to that word in Subsection 15.13;

**"OHC"** means the Oshawa Harbour Commission;

**"OHC/CPA"** means OHC, and upon continuance, the CPA;

**"Parcel"** means a parcel of land as generally depicted in the drawing attached as Annex 1 hereto;

**"Port"** means the Port of Oshawa;

**"Port Lands"** means the lands including the waterlots comprising the Port under the management of OHC and includes the Crown Lands;

**“Port Consolidation Construction”** means the construction on, in or adjacent to the East Wharf of additional dockage, wharfage, infrastructure, updated port handling equipment; updates and upgrades to port facilities that may be needed for current port uses or for potential short sea shipping facilities; and other port facilities to accommodate the industrial uses and activities from the West Wharf Crown Lands as at the Effective Date of this Agreement and similar uses in the future;

**“Port Consolidation Project”** means Port Consolidation Construction, and the movement of industrial uses and activities from the West Wharf Crown Lands to the East Wharf;

**“Settlement Agreement”** means the agreement of that name entered into by the City, the Crown and the Oshawa Harbour Commission as of the \_\_\_\_\_ day of \_\_\_\_\_, 2010;

**“West Wharf”** means collectively Parcels 2, 7, 8, 9, 10, 16, 17 and 18;

**“West Wharf Crown Lands”** means that portion of the West Wharf registered in the name of Her Majesty the Queen in right of Canada or to be registered in the name of Her Majesty the Queen in right of Canada depicted as Parcels 9, 10, 16, 17 and 18;

## 1.2 Annexes

The following Annexes are attached to this Agreement and form part of this Agreement:

Annex 1: Drawing of Oshawa Harbour depicting individual Parcels (existing and proposed Parcels as depicted on Annex 1 are not to scale; precise boundaries and size of Parcels subject to surveys deposited as reference plans in the land registry system)

Annex 2: Suggested Guidelines for the Preparation of a Land Use Plan

## 2. PURPOSES OF THIS AGREEMENT

2.1 This Agreement is entered into pursuant to Section 3.2 of the Settlement Agreement and is intended by the Parties to:

- (a) Facilitate and promote cooperation between the OHC/CPA and the City with a view to achieving compatibility with respect to developments in the Oshawa Harbour area while ensuring that

the OHC/CPA is able to operate the Port in a manner that meets its obligations under applicable federal law and maintains the financial viability of the Port as an industrial port; and

- (b) Establish an ongoing interface mechanism between the City and the OHC/CPA that is intended to resolve issues and achieve the greatest degree of compatibility.

\* 3. **FACTS AND FUNDAMENTAL PRINCIPLES**

3.1 The Parties acknowledge the following facts and fundamental principles, which shall guide the interpretation and implementation of this Agreement:

- (a) The CPA will be a corporation established pursuant to the *Canada Marine Act*;
- (b) All of the rights and obligations of the OHC, including those contained in this Agreement, will become rights and obligations of Oshawa Port Authority by operation of law pursuant to the *Canada Marine Act*;
- (c) All real property in the Oshawa Harbour area that will be managed by the CPA is or will be registered in the name of Her Majesty the Queen in right of Canada or in the name of the CPA, and pursuant to constitutional law, all land registered in the name of Her Majesty the Queen in right of Canada, is not and will not be subject to municipal zoning or planning laws;
- (d) The CPA will be required to manage and operate the Port in accordance with its Letters Patent, in a manner that implements the requirements of the *Canada Marine Act* and according to the following mandate:
  - (i) be consistent with the marine policies that provide Canada with the marine infrastructure that it needs and that offer effective support for the achievement of national, regional and local social and economic objectives;
  - (ii) enhance the success of the Port in contributing to the competitiveness, growth and prosperity of the local, regional and national economy;
  - (iii) ensure that marine transportation services are organized to satisfy the needs of direct and ancillary Port users and are available at reasonable cost;

- (iv) promote the coordination and integration of marine activities with surface and air transportation systems;
  - (v) optimize the financial viability of the CPA;
  - (vi) protect the interests and investments of industrial and commercial Port users and investors.
- (e) Subject to Section 5 of this Agreement, all Port Lands will be used for those industrial port purposes deemed appropriate by the CPA in its sole discretion.

#### 4. LAND USE

- 4.1 Once the CPA's Board of Directors has been appointed, the CPA will establish a Land-Use and Development Committee reporting to the Board of Directors, comprised of at least three members of its Board, with one member being the City's appointee to the Board.

The primary role of the Land-Use and Development Committee will be to oversee the development of the CPA's Land-Use Plan. The Committee will also be responsible to oversee land-use and development matters on land owned or managed by the CPA.

- 4.2 Section 48 of the *Canada Marine Act* requires that the CPA, within twelve (12) months of issuance of its Letters Patent, develop a Land Use Plan that contains objectives and policies for the physical development of the lands managed, held or occupied by the CPA, which considers *inter alia*, relevant social, economic and environmental matters and zoning by-laws that apply to lands in the vicinity of the Port that are not owned by the Crown.
- 4.3 The CPA's Land Use Plan will set out the long - term uses that will transform, renew and revitalize the Port.
- 4.4 The Land Use Plan will be prepared by the CPA in a manner that meets the requirements of Section 48 of the *Canada Marine Act*.
- \* 4.5 The Suggested Guidelines are attached hereto as Annex 2 as suggested general guidelines for the preparation of a Land Use Plan. The City acknowledges that the CPA may, from time to time, seek to consult with the City in the preparation of its Land Use Plan and the City shall cooperate with the CPA for that purpose and agrees to consult with the CPA, if requested by the CPA, in the preparation of the CPA's Land Use Plan.



- 4.6 Once the CPA has drafted its Land Use Plan in final form, it will provide its draft final Land Use Plan to the City for comment. The City will be given not less than thirty (30) days to provide comments to the CPA on the CPA draft final Land Use Plan.
- 4.7 The City understands and acknowledges that the CPA's Board of Directors will not be bound to follow the Suggested Guidelines attached hereto as Annex 2 to prepare its Land Use Plan or to accept or implement the City's comments but will reasonably consider these comments and adjust its Land Use Plan as it deems appropriate.

## 5. WEST WHARF

- \* 5.1 OHC agrees that notwithstanding the status of the Port Consolidation Project, subject to Subsection 5.4, by the fifth (5<sup>th</sup>) anniversary of the Effective Date of this Agreement, it will cease to use the West Wharf Crown Lands for non-port related industrial uses.
- 5.2 The City understands and acknowledges that, subject to Subsection 5.1, the OHC's current tenants, occupants and licensees will not be disturbed by the OHC or the CPA until and unless their occupancy agreement has expired or they agree to move to the East Wharf or other location.
- \* 5.3 The City agrees that the West Wharf Crown Lands may be used for port related activities including:
- (a) All uses permitted in the HBC (Harbour Commercial) or HBC (1) (Oshawa Harbour) Zones in the City's Zoning By-law 60-94 as that By-law existed as at November 5, 2009, including
    - i) Amphitheatre
    - ii) Auditorium
    - iii) Club, excluding a nightclub
    - iv) Cultural centre
    - v) Marina, including related sales and service buildings
    - vi) Museum
    - vii) Park
    - viii) Recreational use;
  - (b) Art Gallery;
  - (c) Farmers' Market;
  - (d) Cruise Ship Terminal;

- (e) Accessory parking lot;
- (f) Commercial school or training centre;
- (g) Sailing school;
- (h) Scuba diving centre;
- (i) Commercial;
- (j) Parking Lot;
- (k) Offices;
- (l) Port and marine-related transportation uses including cargo handling;
- (m) Tug and commercial vessel mooring, access, maintenance;
- (n) Rescue operations;
- (o) Arcade;
- (p) Art gallery;
- (q) Commercial Recreational;
- (r) Museum;
- (s) Theatre;
- (t) Cultural centre;
- (u) Grocery store;
- (v) Delicatessen;
- (w) Clean storage ancillary to uses listed at (a) to (v) in this Paragraph 5.3;

and in addition, until the fifth (<sup>5th</sup>) anniversary of the Effective Date of this Agreement, for non-port related industrial uses, including light manufacturing, processing of semi-manufactured goods and assembly of manufactured goods, within enclosed buildings.

- \* 5.4 At the request of the City, the OHC agrees that notwithstanding Subsection 5.3, the OHC will not permit the following uses of the West Wharf Crown Lands:
- Adult strip club
  - Adult use store
  - Body rub parlour
  - Tattoo parlour
  - Methadone clinic
  - Pawn shop/second hand goods shop
- \* 5.5 Subject to the Harbour Road Extension Agreement dated July, 1976 between the City and the OHC, the Parties agree that OHC will be under no obligation to fund projects on land owned by the City and the City will be under no obligation to fund projects on land managed by OHC.
- \* 5.6 The City understands and acknowledges that the OHC/CPA will use West Wharf Crown Lands for port purposes and accordingly, the West Wharf Crown Lands will not be open to the public, except as otherwise agreed to by the Parties in any existing agreement; if the use to which such Lands are being put by the OHC/CPA by its nature contemplates public access; with the consent of the OHC/CPA and on a strictly case by case basis, for special functions and events; or as otherwise permitted or authorized by the OHC/CPA. For all such functions and events or as otherwise permitted or authorized by the OHC/CPA, temporary public access will be solely at the OHC's/CPA's unqualified subjective discretion and on terms and conditions imposed by the OHC/CPA.
- \* 6. **MUNICIPAL SERVICES**
- 6.1 **General**
- 6.1.1 Subject to applicable law, the City will provide Municipal Services to the Port Lands on the same terms and conditions as the City provides Municipal Services to privately owned industrial lands in the City of Oshawa.
- 6.2 **Roads**
- 6.2.1 The City will comply with all applicable laws in respect of public municipal roads over which it has jurisdiction. The City acknowledges the importance of highways under the City's jurisdiction to the operation and success of the Port.

- 6.2.2 The CPA shall not be obligated to contribute to the cost of any maintenance or improvements to municipal public roads except as specifically negotiated and agreed to by the CPA.
- 6.2.3 For greater certainty, the CPA will be responsible for the design, construction, maintenance of and traffic operations on any private roads located on lands it administers within the Port Lands.

### 6.3 Storm Sewers

- 6.3.1 The CPA acknowledges that any connection to City storm sewers is subject to applicable law and to the reasonable requirements of the City with respect to such connections.

## \* 7. FIRE SERVICES

- 7.1 Within one hundred and twenty (120) days of the Effective Date of this Agreement, the CPA will prepare, a Fire Protection and Emergency Services Plan and Protocol which document(s) shall, at a minimum, relate to each building managed by the CPA and will specify site conditions, response procedure, fire routes, maintenance of roads, first responder and secondary responder.
- 7.2 The Fire Protection and Emergency Services Plan will be updated regularly by the CPA.
- 7.3 In order to facilitate the provision of Fire Services to the Port Lands, the CPA agrees to comply with all City requirements respecting the naming of streets and addressing of buildings and land parcels on Port Lands.

## \* 8. CONSTRUCTION STANDARDS

- 8.1 The OHC agrees to contractually require those of its tenants and licensees that it permits to carry out construction on Crown lands, to carry out such construction in compliance with the National Building Code and the National Fire Code of Canada.
- 8.2 The OHC will require such tenants and licensees to ensure that a professional architect or engineer, who is independent of the tenant or licensee, supervises the construction and delivers to the OHC a certificate of such architect or engineer certifying that the construction has been made substantially in accordance with the standards contained in the National Building Code and the National Fire Code of Canada and that the

construction as built is substantially in accordance with the standards contained in the National Building Code and the National Fire Code of Canada.

- 8.3 In the event that any person submits to the City's Chief Building Official an application for a permit respecting construction on Port Lands, no permit will be issued except in accordance with the *Building Code Act 1992* (Ontario) and with the City's Building By-Law as from time to time amended.

\* 9. **SECURITY**

- 9.1 The Parties acknowledge that the OHC/CPA in its operation of the Port must comply with all applicable federal laws relating to security, including without limitation, the *Marine Transportation Security Act*.
- 9.2 The City agrees that it will not directly or indirectly permit any use of or activity on land transferred from the Crown to the City that would prevent or hinder the OHC/CPA from complying with all applicable federal laws relating to security.
- 9.3 The City will comply with all applicable laws, including without limitation, the *Marine Transportation Security Act*, to the extent it applies respecting any use of or activities that the City may from time to time carry out or permit to be carried out on land transferred from the Crown to the City.

\* 10. **NO INTERFERENCE WITH PORT OPERATIONS OR NAVIGATION**

- 10.1 The City agrees that it will not do or permit anything to be done on lands transferred from the Crown to the City that would or may interfere with port operations or navigation in Oshawa Harbour.

\* 11. **DREDGING**

- 11.1 The OHC agrees to dredge the bed of the Oshawa Harbour in a manner that meets the requirements of the OHC. The OHC will not be under any obligation to dredge or to pay for any dredging required for purposes of construction or operation of a marina or for purposes of access for recreational vessels through the Port to a marina.

\* 12. ACCESS AND FEES

- 12.1 The OHC will permit access through the Oshawa Harbour for recreational vessels to a marina on the City's lands provided all operators of such recreational vessels comply with all the terms, conditions, policies and security requirements of the OHC respecting such access, do not do anything or permit anything to be done which would or may interfere with the operation of the Port or cause OHC to lose its security certification, and pay all fees levied by the OHC in respect of such access.
- 12.2 All fees levied by the OHC on recreational vessels traversing the Port will be levied in accordance with the Canada Marine Act.

13. CONSULTATION AND COOPERATION PROCESS

- 13.1 The OHC and the City commit to continuing effective communication on matters of interest to both Parties, including but not limited to timely notice to each other and consultation on developments on land for which each is respectively responsible, relevant City policy or by-law changes and decisions which may affect the other.
- 13.2 The Chief Executive Officer of the OHC and the City Manager of the City will meet at least annually, and additionally when appropriate, to:
- (a) discuss matters of mutual interest and concern, including without limitation, dredging;
  - (b) foster a better understanding of Port, local, regional and national pressures and priorities;
  - (c) create a forum for exchange of information and best practices;
  - (d) review the respective plans of each organization regarding developments and activities in the Oshawa Harbour area;
  - (e) determine where there may be issues requiring resolution and areas where the two organizations may be mutually supportive.

\* 14. DISPUTE RESOLUTION

- 14.1 In the event of a disagreement between the City and the OHC related to this Agreement, and before proceeding to a court or other formal proceeding, the City and the CPA agree to follow a dispute resolution procedure involving:

- (a) In the first instance, a joint review by the Chief Executive Officer of the CPA and the City Manager of the City;
- (b) In the event the review described in (a) does not result in a resolution of the disagreement, the disagreement will be reviewed by the Mayor of the City and the Chair of the Board of Directors of the CPA;
- (c) In the event the disagreement remains unresolved, the disagreement will be referred to a three person panel composed of one person appointed by the CPA, one person appointed by the City, and a third person appointed by the other two panel members. The third panel member shall be the chair of the panel.

14.2 The Parties agree that once the CPA's Board of Directors has been appointed and the CPA's Land-use and Development Committee has been formed, the Parties will review this dispute resolution process with a view to agreeing if there should be a role for such Committee in the dispute resolution process in this Section 14.

## 15. GENERAL

### 15.1 Term

The term of this Agreement shall be for a period of five (5) years commencing as of the            day of            , 2010.

### 15.2 Renewal and Termination

On or before six (6) months prior to the end of the term, the Parties may mutually agree to extend the term for an additional five (5) year term and in the event the Parties so agree, the terms and conditions shall be the same as set out in this Agreement except that either Party may terminate this Agreement as renewed by giving the other Party at least twelve (12) months written notice.

### 15.3 Survival of Certain Provisions

The Parties agree that Section 3, Subsection 4.5, Subsections 5.1, 5.3, 5.4, 5.5, 5.6, 6.1, 6.2, 6.3, Sections 7, 8, 9, 10, 11, 12 and 14 shall survive any termination of this Agreement.

**15.4 Time of the Essence**

Time shall in all respects be of the essence of this Agreement provided that the time for doing or completing any matter provided for herein may be extended or abridged by an agreement in writing signed by the OHC and the City, or by their respective solicitors who are hereby expressly appointed in this regard.

**15.5 Governing Law**

This Agreement shall be governed by and construed in accordance with applicable provisions of the laws of the Province of Ontario, subject always to any paramount or applicable federal laws.

**15.6 Entire Agreement**

This Agreement contains the entire agreement between the OHC and the City concerning the subject matter hereof. No representation or warranty expressed, implied or otherwise is made by the OHC to the City or by the City to the OHC except as expressly set out in this Agreement. This Agreement supersedes and revokes all negotiations, arrangements, letters, representations and information conveyed, whether oral or in writing, between the Parties or their representatives, or between the Crown and the City concerning the subject matter hereof.

**15.7 Assignment**

Neither Party shall assign this Agreement.

**15.8 Amendment**

This Agreement may only be amended by a written agreement signed by both the Parties.

**15.9 Waiver**

The failure by either Party to insist in any one instance upon the strict performance by the other Party of obligations hereunder shall not constitute a waiver or relinquishment of any such obligations as to any other instances, and the same shall continue in full force and effect. No covenant or condition of this Agreement may be waived by either Party



except by the written consent of that Party, and forbearance or indulgence by that party in any regard whatsoever and no matter how long shall not constitute a waiver of the covenant or condition, and until performed or waived in writing that Party shall be entitled to invoke any remedy available to that party under this Agreement or by law, despite the forbearance or indulgence.

#### **15.10 Severability**

If, for any reason, any provision of this Agreement, other than any provision which is of fundamental importance to the arrangement between the Parties, is to any extent held or rendered invalid or unenforceable, then the particular provision shall be deemed to be independent of and severed from the remainder of this Agreement and all the other provisions of this Agreement shall nevertheless continue in full force and effect.

#### **15.11 Interpretation**

In the event of any inconsistency or conflict between either an Annex or any provision contained therein, and this Agreement or any provision of this Agreement, this Agreement or the provision of this Agreement prevails to the extent of the inconsistency or conflict.

#### **15.12 No Partnership, Joint Venture or Agency**

The OHC and the City expressly disclaim any intention to create a partnership, joint venture or agency. It is understood, acknowledged and agreed that nothing contained in this Agreement nor any acts of the OHC or the City shall constitute or be deemed to constitute the OHC and the City as partners, joint ventures or principal and agent in any way or for any purpose. The OHC shall not represent or hold itself out to be an agent of the City. The City shall not represent or hold itself out to be an agent of the OHC. Neither Party shall have any authority to act for or to assume any obligations or responsibilities on behalf of the other Party.

#### **15.13 Notices**

Any notice, request, consent, acceptance, waiver or other communication required or permitted to be given under this Agreement (a "Notice") shall be in writing and shall be deemed to have been sufficiently given or served for all purposes on the date of delivery if it is delivered either personally or by facsimile transmission, addressed to the OHC and the City as follows:

**To the OHC:**

Oshawa Harbour Commission  
1050 Farewell Street  
Oshawa, ON  
L1H 6N6

Attention: Chief Executive Officer

Facsimile: (905) 576-5701

**To the City:**

The Corporation of the City of Oshawa  
50 Centre St. S.  
Oshawa, ON L1H 3Z7

Attention: City Clerk

Facsimile: (905) 436-5697

**With a copy to the City Solicitor:**

The Corporation of the City of Oshawa  
50 Centre St. S.  
Oshawa, ON L1H 3Z7

Attention: City Solicitor

Facsimile: (905) 436-5689

By giving to the other Party at least seven (7) days Notice, either Party may at any time and from time to time, change its address or title of any person for delivery or communication for the purposes of this Subsection 15.12.

**15.14 Further Assurances**

The OHC and the City shall promptly do, execute, deliver or cause to be done, executed and delivered all further acts, documents and things in connection with this Agreement that that the other Party may reasonably require, for the purpose of giving effect to this Agreement.

**15.15 Enurement**

This Agreement shall be binding upon, and enure to the benefit of, the OHC and the City and their respective successors.

**15.16 Counterparts**

This Agreement may be executed in one or more counterparts, each of which when so executed and delivered shall be an original, and such counterparts shall together constitute one and the same instrument.

**15.17 Binding Obligations**

This Agreement will, upon execution and delivery, constitute legal, valid and binding obligations of the City and OHC respectively, enforceable against each of the City and OHC in accordance with its terms.

**IN WITNESS WHEREOF** the Parties have executed this Agreement as of the date first above written.

**OSHAWA HARBOUR COMMISSION**

Per: \_\_\_\_\_  
Gary F. Valcour  
Chairman

Per: \_\_\_\_\_  
Donna P. Taylor  
CEO and Corporate Secretary

c/s

**THE CORPORATION OF THE CITY OF  
OSHAWA**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

c/s

# Sketch of Oshawa Harbour Lands

Annex 1



## LEGEND

- TO BE OWNED BY THE CITY OF OSHAWA
- TO BE OWNED BY HER MAJESTY THE QUEEN IN RIGHT OF CANADA
- REMAINDER OF PROPERTY ACQUIRED BY HER MAJESTY THE QUEEN IN RIGHT OF CANADA FROM THE CORPORATION OF THE CITY OF OSHAWA BY DEED REGISTERED AS INSTRUMENT NUMBER 05179244

### Federal Crown to offer to transfer to City

| Parcel      | Description   |
|-------------|---|
| 1           | All of PIN 16380 - 0060 (LT), being Parts 1 and 2 on Plan 40R - 21631   |
| 2*          | Part of PIN 16394 - 0115 (LT), being part of Part 5 on Plan 40R - 21636 |
| 5* (Marina) | Part of PIN 16394 - 0088 (R), being part of Part 14 on Plan 40R - 21636 |
| 7*          | Part of PIN 16394 - 0088 (R), being part of Part 14 on Plan 40R - 21636 |
| 8*          | Part of PIN 16394 - 0116 (LT), being part of Part 7 on Plan 40R - 21636 |

### City to Quit Claim to Federal Crown and Federal Crown to offer to transfer to City

|             |   |
|-------------|---|
| 3* (Marina) | Part of PIN 16394 - 0115 (LT), being part of Part 5 on Plan 40R - 21636 |
| 4 (Marina)  | All of PIN 16394 - 0122 (LT), being Part 3 on Plan 40R - 24729          |

### City to transfer to Federal Crown and Federal Crowns to offer to transfer to City

|            |  |
|------------|--|
| 6 (Marina) | All of PIN 16394 - 0123 (LT), being Part 5 on Plan 40R - 24729 |
|------------|--|

### City to Quit Claim to Federal Crown

|    |  |
|----|--|
| 9* | Part of PIN 16394 - 0116 (LT), being part of Part 7 on Plan 40R - 21636  |
| 10 | All of PIN 16394 - 0208 (LT), being Part 6 on Plan 40R - 21636           |
| 11 | All of PIN 16380 - 0108 (LT), being Parts 2, 3 and 4 on Plan 40R - 21634 |
| 12 | All of PIN 16394 - 0117 (LT), being Part 10 on Plan 40R - 21636          |

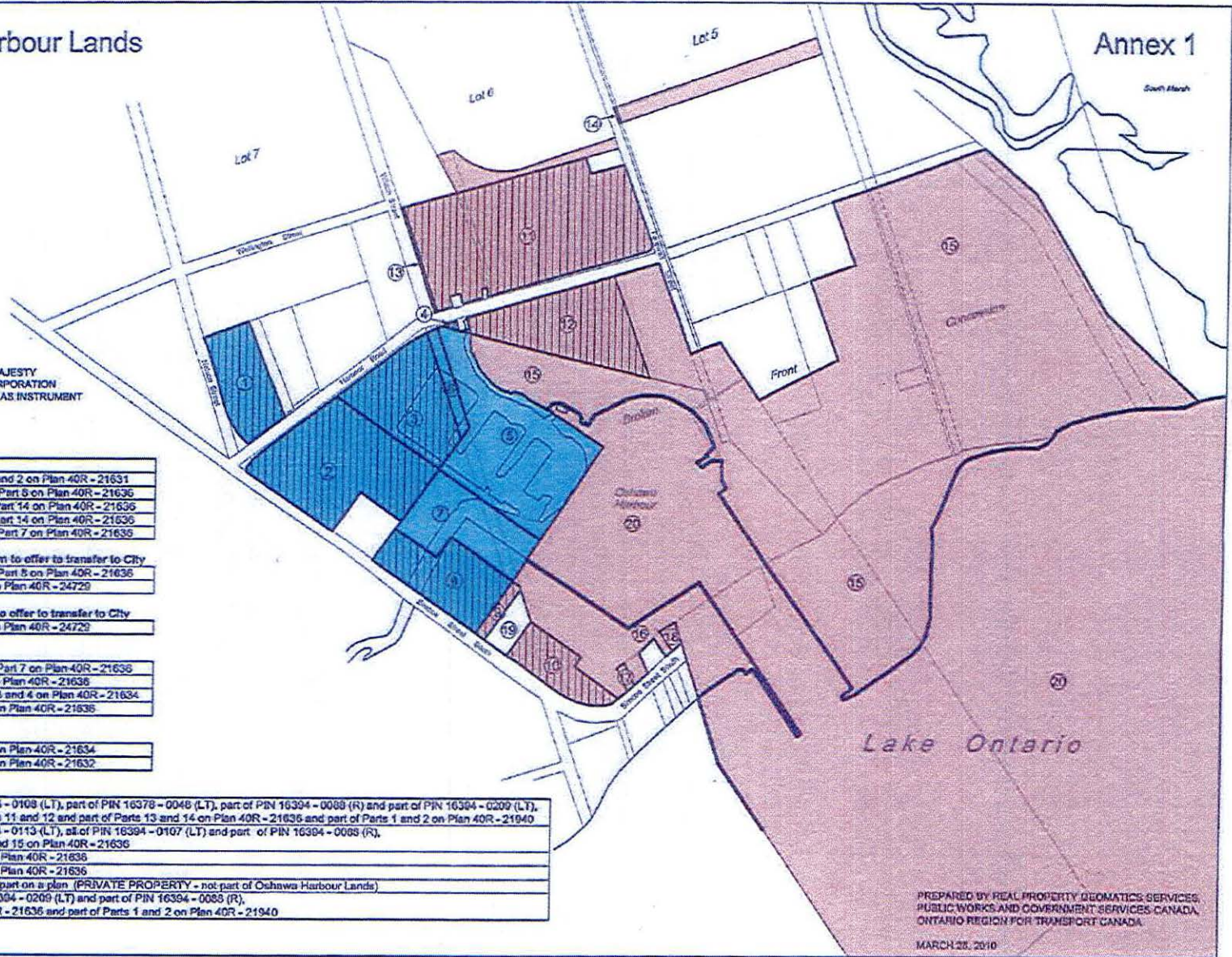
### City to dedicate or grant Right of Way

|    |   |
|----|---|
| 13 | Part of PIN 16380 - 0101 (LT), being Part 1 on Plan 40R - 21634 |
| 14 | Part of PIN 16378 - 0001 (LT), being Part 3 on Plan 40R - 21632 |

### Other Parcels

|     |  |
|-----|--|
| 15* | All of PIN 16378 - 0034 (LT), all of PIN 16394 - 0108 (LT), part of PIN 16378 - 0048 (LT), part of PIN 16394 - 0088 (R) and part of PIN 16394 - 0209 (LT), being Parts 1 to 9 on Plan 40R - 21635, Parts 11 and 12 and part of Parts 13 and 14 on Plan 40R - 21636 and part of Parts 1 and 2 on Plan 40R - 21940 |
| 16* | All of PIN 16394 - 0114 (LT), all of PIN 16394 - 0113 (LT), all of PIN 16394 - 0107 (LT) and part of PIN 16394 - 0088 (R), being Parts 2, 3 and 4 and part of Parts 14 and 15 on Plan 40R - 21636  |
| 17  | All of PIN 16394 - 0120 (LT), being Part 5 on Plan 40R - 21636   |
| 18  | All of PIN 16394 - 0103 (LT), being Part 1 on Plan 40R - 21636   |
| 19  | All of PIN 16394 - 0109 (LT); not shown as a part on a plan (PRIVATE PROPERTY - not part of Oshawa Harbour Lands)  |
| 20* | Part of PIN 16378 - 0048 (LT), part of PIN 16394 - 0209 (LT) and part of PIN 16394 - 0088 (R), being part of Parts 13, 14 and 15 on Plan 40R - 21636 and part of Parts 1 and 2 on Plan 40R - 21940   |

\* denotes R - Plan required



PREPARED BY REAL PROPERTY GEOMATICS SERVICES  
PUBLIC WORKS AND GOVERNMENT SERVICES-CANADA,  
ONTARIO REGION FOR TRANSPORT CANADA

MARCH 28, 2010

ANNEX 2**SUGGESTED GUIDELINES FOR PREPARATION OF A LAND USE PLAN**

1. The Land Use Plan will include a number of components (see Clause 2 below) with the objective to deliver Port opportunities in a manner that transforms, renews and revitalizes the Port.
2. The content of a Land Use Plan will address, at a minimum:
  - a) An opportunity assessment report to determine the business opportunities available for the CPA and the physical needs of these opportunities. The opportunity assessment should consider and prioritize those opportunities that need to be at the Port versus elsewhere given the limited amount of land at the Port and the Port's uniqueness within the Regional context. The opportunity assessment, for instance, could identify a need for X square feet of warehousing, type of warehousing, X square feet of outdoor storage, RO/RI, agricultural exports, etc.
  - b) A Development Plan and report that addresses, at a minimum:
    - Lot/block structure for leases and licenses;
    - Setback and other regulations and design guidelines for each lot/block;
    - Uses for each lot/block/area;
    - Applicable archeological flooding and environmental laws, policies, regulations, guidelines and best practices;
    - The environment of the area in which the Port is located
  - c) A Servicing Plan and report that addresses, at a minimum:
    - Manner in which lot/block/port is intended to be serviced by municipal services and utilities;
    - Applicable environmental laws, policies and regulations and best practices including those relevant to any proposed municipal services and utilities;
    - Methods of financing any municipal services and utilities;
    - Operation and maintenance strategy protocol for private facilities;
  - d) A Master Grading/Stormwater Management Plan and report that addresses, at a minimum:

- Overall grading of Port lands;
- Drainage/catchment areas;
- Emergency spill containment system;
- Points of discharge;
- Impact on receiving bodies;
- Methods of financing any municipal services and utilities;
- Applicable environmental laws, policies, regulations and best practices relating to grading, storm water management and spill containment;
- Operation and maintenance strategy/protocol for private facilities;

e) Operational guidelines for port activities including:

- Late night noise;
- Weekend noise;
- Noise and activity when major park events are taking place, etc.;
- Lighting which is not full cut-off;
- Unreasonable odours.

**Afreen Raza**

**From:** Joe Tiernay <joe@ogra.org>  
**Sent:** November-20-18 8:12 AM  
**To:** Joe Tiernay  
**Cc:** Ken Lauppe (ken.lauppe@mississauga.ca)  
**Subject:** Ontario Good Roads Association - Call for Nominations  
**Attachments:** Nominations - 1st Call.pdf

NOV 22 '18 AM 11:49

Attached is the call for nominations to sit on the Board of Directors of the Ontario Good Roads Association for a two-year term commencing February 27<sup>th</sup>, 2019.

Could you please place this item on the council agenda and please ensure that all newly elected Councillors receive a copy.

Thanks

J. W. Tiernay  
Executive Director

Ontario Good Roads Association  
1525 Cornwall Road, Unit 22  
Oakville, ON L6J 0B2

P. 289-291-OGRA (6472)  
F. 289-291-6477  
C. 416-270-3180



[www.ogra.org](http://www.ogra.org)



**C.S. - LEGISLATIVE SERVICES**

|                   |                           |
|-------------------|---------------------------|
| Original          | CIP                       |
| To:               |                           |
| Copy              | emailed all               |
| To:               | Councillors on 20/11/2018 |
|                   |                           |
|                   |                           |
|                   |                           |
|                   |                           |
| C.C. S.C.C. File  |                           |
| Take Appr. Action |                           |



November 20, 2018

To the Head & Members of Council:

Pursuant to Policy B-008 of the Ontario Good Roads Association, the Nominating Committee shall report to the Annual Conference its nominations for directors.

**The OGRA Board of Directors is committed to achieving a diverse leadership team. We encourage women and individuals from diverse backgrounds to put their names forward for these positions.**

The following members will serve on the 2019-2020 Board of Directors in the following capacity:

- President **Rick Kester**, CAO, City of Belleville
- 1<sup>st</sup> Vice-President **Rick Harms**, Project Engineer, City of Thunder Bay
- 2<sup>nd</sup> Vice-President **Dave Burton**, Mayor, Municipality of Highlands East
- Immediate Past President **Chris Traini**, County Engineer, County of Middlesex
- Directors **Paul Ainslie**, Councillor, City of Toronto
- Antoine Boucher**, Director of Public Works & Engineering, Municipality of East Ferris
- Steven Kodama**, Director, Transportation Services, City of Toronto
- Bryan Lewis**, Councillor, Town of Halton Hills
- Paul Schoppmann**, Mayor, Municipality of St.-Charles
- Michael Touw**, Manager of Operations, County of Peterborough

Those nominated by the Nominating Committee shall be selected from OGRA's municipal or First Nations membership pursuant to the requirements for geographic representation contained in Section 12 of the Constitution, and so far as possible meeting the criteria established in Policy B-008. A full copy of the Constitution can be viewed on the OGRA web-site. **Those elected shall serve for a two (2) year term ending on February 24, 2021.**

The following vacancies need to be filled:

|                    |                   |
|--------------------|-------------------|
| South West Zone    | Two (2) Vacancies |
| South Central Zone | Two (2) Vacancies |
| Northern Zone      | One (1) Vacancy   |

The Southwest Zone consists of the municipalities in and including the Counties of Brant, Bruce, Elgin, Essex, Haldimand, Huron, Lambton, Middlesex, Norfolk, Oxford, and Perth, the municipality of Chatham-Kent, and municipalities in and including the Regional Municipality of Waterloo.



The South Central Zone consists of the municipalities in and including the Counties of Dufferin, Grey, Simcoe, and Wellington, and municipalities in and including the Regional Municipalities of Durham, Halton, Niagara, Peel and York, and the City of Hamilton.

The Northern Zone consists of the municipalities in the Districts of Algoma, Cochrane, Kenora, Manitoulin Island, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming; municipalities in and including the District of Muskoka and the City of Greater Sudbury.

Any member of Council or a permanent full time staff from an OGRA member municipality or First Nations interested in being considered as a candidate for a position on the Board of Directors must complete the attached Nomination Consent form and submit it along with their résumé to the attention of the Chair of the Nominating Committee by no later than **December 21, 2018** at 2:00 p.m. Fax your information to 289-291-6477, e-mail to [info@ogra.org](mailto:info@ogra.org) or mail to OGRA, 1525 Cornwall Road, Unit 22, Oakville, Ontario L6J 0B2

The Nominating Committee will meet in January to recommend a slate of candidates to the membership. The members of the Committee are:

Chair: Ken Lauppé, Immediate Past President  
Vice Chair: Robert Burlie, OGRA Past President  
Members: Paul Ainslie, OGRA Director  
Dave Burton, OGRA 3<sup>rd</sup> Vice-President  
Paul Schoppmann, OGRA Director

Any questions regarding the Nomination process or serving on the Board of Directors can be directed to the undersigned at [joe@ogra.org](mailto:joe@ogra.org).

Yours truly,



J. W. Tiernay,  
Executive Director

c: Ken Lauppé, Chair, Nominating Committee

# Ontario Good Roads Association Board of Directors Nomination and Consent Form



*Working for Municipalities*

We hereby nominate the following to the Board of Directors of the Ontario Good Roads Association for the 2019/21 term of office (2 year term):

Name of Candidate

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Municipality: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

(Candidates must be nominated by two eligible members of OGRA. A resolution of Council is acceptable but not mandatory)

## Candidate Consent

The candidate nominated above must sign below indicating they consent to the Nomination and agree to let their name stand for office.

I, \_\_\_\_\_ hereby consent to the Nomination  
(Name of Candidate)  
to the Board of Directors of the Ontario Good Roads Association.

\_\_\_\_\_  
Signature

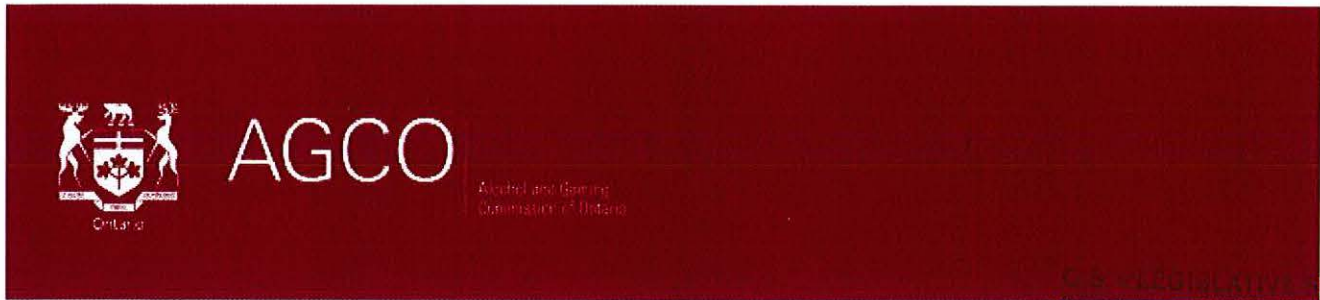
\_\_\_\_\_  
Date

Submit completed form and candidate's résumé by fax or e-mail to the attention of Ken Lauppé, Chair, OGRA Nominating Committee  
Fax: 289-291-6477  
E-mail: [info@ogra.org](mailto:info@ogra.org)

**Afreen Raza**

**From:** Municipal <municipal@agco.ca>  
**Sent:** November-20-18 5:04 PM  
**To:** Clerks  
**Subject:** Initial Information for Ontario Municipalities about Cannabis Retail Store Licensing

NOV 22 '18 AM 11:43



REGULATIVE SERVICES

Ce message est disponible en français

# INITIAL INFORMATION FOR ONTARIO MUNICIPALITIES ABOUT CANNABIS RETAIL STORE LICENSING

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| Original          |
| To: CIP           |
| Copy: OK ✓        |
| To: Legal ✓       |
| Corp Services ✓   |
| Clerks ✓          |
| C.C. S.C.C. File  |
| Take Appr. Action |

The government of Ontario has announced the Alcohol and Gaming Commission of Ontario (AGCO) as the regulator for privately run recreational cannabis retail stores.

The AGCO's regulatory focus is on the safe, responsible and lawful sale of cannabis, consistent with the government legislation.

The AGCO is also committed to assisting our municipal partners in understanding their regulatory and operational responsibilities in this newly regulated sector. To that end, we are reaching out to provide you with some initial information and will provide more information on our website as it becomes available and as part of our 2018/19 Municipal Webinar Series.

The information below outlines the process for municipalities choosing to opt in or out of allowing cannabis retail stores in their municipality. It also provides additional information about what it means for municipalities who decide to permit retail stores in their community.

## OPTING OUT OF RETAIL CANNABIS STORES

Municipalities may opt out of having cannabis retail stores within their jurisdiction. If they wish to do so, the *Cannabis Licence Act, 2018* requires them to pass a resolution to that effect by **January 22, 2019**.

The manner in which municipalities must notify the AGCO of their decision to opt out is for the municipal Clerk, Chief Administrative Officer or Mayor to send the AGCO Registrar written notification that the municipality has passed a resolution prohibiting cannabis retail stores. This written notification must be sent by email to [municipal@agco.ca](mailto:municipal@agco.ca) and received by the AGCO no later than January 22, 2019. The notification must include:

1. The official name of the municipality, and;
2. The date the resolution was passed.

Once received, the AGCO will acknowledge receipt by email.

A municipality that decides to prohibit cannabis retail stores may later reverse its decision; however, under the *Cannabis Licence Act, 2018*, a decision by a municipality to allow cannabis retail stores is final and may not be subsequently reversed.

If the AGCO has not received written notification from a municipality within the process described above, by January 22, 2019, then, by default, private cannabis retail stores will be allowed within this jurisdiction beginning April 1, 2019, providing all other eligibility criteria have been met.

## **OPTING IN TO ALLOW RETAIL CANNABIS STORES**

If at any time before January 22, 2019, a municipality decides it will allow cannabis retail stores within its jurisdiction, they are encouraged to notify the AGCO as soon as possible. This will allow the AGCO to process retail store applications, complete the public notice process and, provide more time for stores to set up their operations. Early notification to the AGCO, using the [municipal@agco.ca](mailto:municipal@agco.ca) email, will not change the date that licensed retail stores may open, which remains April 1, 2019 at the earliest.

# **ADDITIONAL INFORMATION FOR MUNICIPALITIES THAT ARE CONSIDERING PERMITTING PRIVATE RETAIL CANNABIS STORES**

## **PUBLIC NOTICE PROCESS**

The AGCO may issue a Cannabis Retail Store Authorization to an applicant unless the Registrar finds it is not in the public interest, as defined by Ontario Regulation 468/18 made under the *Cannabis Licence Act, 2018*.

Once a complete Retail Store Authorization application is received by AGCO:

1. The applicant will be notified, via iAGCO, that they have 24 hours to post a placard at the location of the proposed retail store location. The placard must be posted for 15 calendar days and it will indicate that an application has been submitted for a cannabis retail store at that location.
2. All cannabis Retail Store Authorization applications that are placarded under the public notice process will be searchable on the AGCO's website through the iAGCO portal. AGCO will be providing more information and education opportunities to municipalities and the public about this feature.

Written submissions regarding how a Retail Store Authorization is not in the public interest, as per the criteria set out in regulation, can only be made to the Registrar by:

- A resident of the municipality in which the proposed store is located;
- The municipality representing the area in which the proposed store is located. If the municipality is a lower-tier municipality, then the upper-tier municipality of which it forms a part may also make a submission.

Submissions must be received by the AGCO on or before the date set out in the Public Notice. Written submissions may be submitted online via the iAGCO portal, available at [www.agco.ca](http://www.agco.ca). The AGCO may provide copies of any submissions to the applicant. Anonymous submissions will not be considered.

## **AGCO TO HOST A WEBINAR FOR MUNICIPALITIES**

Please join the AGCO for the third installment of its [Municipal Webinar Series](#) on **November 27, 2018**. A panel of AGCO representatives will provide more information about the cannabis licensing process and the legislation and regulations related to cannabis retail stores, including the opt-out / in and public notice processes. The AGCO will be accepting questions during the webinar. A formal invitation will follow, including timing and registration details.

## **FOR MORE INFORMATION**

Otherwise, please submit any questions you may have to AGCO's Customer Service by using the [iAGCO portal](#) or call 416-326-8700 (1-800-522-2876 toll-free in Ontario). You do not need an account to make an inquiry.

Information about Ontario's approach to cannabis legalization can be found at [ontario.ca/cannabis](http://ontario.ca/cannabis).

For more information about the legalization and regulation of cannabis in Canada, please visit [canada.ca/cannabis](http://canada.ca/cannabis).

This message was sent to you by [Alcohol and Gaming Commission of Ontario](#)

90 Sheppard Avenue East, Suite 200-300  
Toronto, ON, Canada  
M2N 0A4

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Sent by

**envoke**

**Afreen Raza**

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**From:** Julie Verge <jverge@grca.on.ca>  
**Sent:** November-21-18 11:40 AM  
**To:** Julie Verge  
**Subject:** GRCA - Full Authority Minutes for Distribution  
**Attachments:** GRCA October 18, 2018.pdf

NOV 22 '18 AM 11:44

Good Morning:

Attached please find the unapproved October 18, 2018 minutes of the Ganaraska Region Conservation Authority Board of Directors, for distribution to council members.

*Julie*

Julie Verge  
Corporate Services Assistant



2216 County Road 28  
Port Hope, ON L1A 3V8  
905.885.8173 x. 221 / 905.885.9824 fax

[jverge@grca.on.ca](mailto:jverge@grca.on.ca) / [www.grca.on.ca](http://www.grca.on.ca)



"Clean Water Healthy Lands for Healthy Communities"

C.S. - LEGISLATIVE COUNCIL

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**GANARASKA REGION CONSERVATION AUTHORITY**

**MINUTES OF THE BOARD OF DIRECTORS**

**October 18, 2018**

**GRCA 06/18**

---

1. Welcome and Call to Order

The Chair called the Ganaraska Region Conservation Authority Board of Directors meeting to order at 7:15 p.m.

**MEMBERS PRESENT:** Wendy Partner, Chair - Municipality of Clarington  
Raymond Benns - Township of Alnwick/Haldimand  
Brian Darling - Town of Cobourg  
John Fallis - Township of Cavan Monaghan  
Louise Ferrie-Blecher - Municipality of Port Hope  
Mark Lovshin - Township of Hamilton  
Forrest Rowden - Town of Cobourg  
Heather Stauble - City of Kawartha Lakes

**ALSO PRESENT:** Linda Laliberte, CAO/Secretary-Treasurer  
Janice Teare, Watershed Services Coordinator  
Ken Thajer, Planning and Regulations Coordinator  
Jessica Mueller, Hydrogeologist

**ABSENT WITH REGRETS:** Jeff Lees, Vice-Chair - Municipality of Port Hope

**ALSO ABSENT:** Willie Woo - Municipality of Clarington

2. Disclosure of Pecuniary Interest

None

3. Minutes of Last Meeting

**FA 29/18**

**MOVED BY:** Forrest Rowden

**SECONDED BY:** Brian Darling

**THAT** the Ganaraska Region Conservation Authority approve the minutes of the September 20, 2018 meeting.

**CARRIED.**



4. Adoption of the Agenda

The following items, under new business, were added by Wendy Partner and John Fallis:

11. New Business

- b) The Kendal Crown Lands Primitive Skills Training Centre
- c) Closing of the Ontario Seed Plant

**FA 30/18**

**MOVED BY:** Forrest Rowden

**SECONDED BY:** Mark Lovshin

**THAT** the Ganaraska Region Conservation Authority adopt the agenda as amended.  
**CARRIED.**

5. Delegations

None

6. Presentations

- a) Ganaraska Region Monitoring Report 2018 (Jessica Mueller)

**FA 31/18**

**MOVED BY:** Mark Lovshin

**SECONDED BY:** Heather Stauble

**THAT** the Ganaraska Region Conservation Authority approve the Ganaraska Region Monitoring Report 2018.

**CARRIED.**

7. Business Arising from Minutes

- a) Ganaraska Region Conservation Authority Administrative By-Laws

**FA 32/18**

**MOVED BY:** Forrest Rowden

**SECONDED BY:** Louise Ferrie-Bletcher

**THAT** the Ganaraska Region Conservation Authority approve the Administrative By-Laws effective immediately.

**CARRIED.**

8. Correspondence

None

9. Applications under Ontario Regulation 168/06:

Permits approved by Executive:

**FA 33/18**

**MOVED BY:** Brian Darling

**SECONDED BY:** John Fallis

**THAT** the Ganaraska Region Conservation Authority receive the permits for information.  
**CARRIED.**

Permit Application requiring Ganaraska Region Conservation Authority Board of Directors discussion:

None

10. Committee Reports:

None

11. New Business:

a) Employment Policy Update

The CAO/Secretary-Treasurer provided board members with an overview of the updates and additions brought forward to the Employment Policy.

**FA 34/18**

**MOVED BY:** Mark Lovshin

**SECONDED BY:** Forrest Rowden

**THAT** the Ganaraska Region Conservation Authority approve the updates to the Employment Policy dated October 18, 2018 effective immediately.

**CARRIED.**

b) The Kendal Crown Lands Primitive Skills Training Centre

**FA 35/18**

**MOVED BY:** Heather Stauble

**SECONDED BY:** Mark Lovshin

**THAT** the Ganaraska Region Conservation Authority receive the report for information and Chair Partner will contact Mr. Stacheruk and invite him to the November meeting.

**CARRIED.**

c) Closing of the Ontario Tree Seed Plant

**FA 36/18**

**MOVED BY:** Brian Darling

**SECONDED BY:** Ray Benns

**THAT** the Ganaraska Region Conservation Authority direct the CAO/Secretary-Treasurer to forward the information from Melissa Spearing to the board members, and **FURTHER THAT** she be invited to the November meeting to present to the Board of Directors.

**CARRIED.**

12. Other Business

None

13. In Camera

None

14. Adjourn

The meeting adjourned at 8:20 p.m. on a motion by Forrest Rowden.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CAO/SECRETARY-TREASURER

Afreen Raza

From: Ontario Good Roads Association <DoNotReply@ConnectedCommunity.org>  
Sent: November-20-18 4:54 PM  
To: Clerks  
Subject: Get Your New Council Up to Speed on Asset Management!

NOV 22 '18 AM 11:49

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## Elected Officials

*Get your new council up to speed on Asset Management and their responsibilities.*



Offered in partnership with the Federation for Canadian Municipalities

Canada **FCM**

This initiative is offered through the Municipal Asset Management Program, which is delivered by the Federation of Canadian Municipalities and funded by the Government of Canada.



### **A Workshop for Elected Officials - Introduction to Asset Management**

*Now Online*  
\$25.00

With Asset Management becoming an ever prevalent issue in today's municipal world, what are your responsibilities as an **Elected Official** to remain compliant with the new O.Reg. 588/17? This workshop helps Elected Officials to build their asset management capacity and increases your awareness of asset management and your related responsibilities. Hot topics include:

- The new O.Reg. 588/17 and your obligations as a member of municipal council
- Establishing your local level of service
- Asset management decision making
- Financial support for asset management

#### C.S. - LEGISLATIVE SERVICES

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Choose a date below, and be sure to register quickly before spots fill up as these are the last workshops provided by OGRA.

**December 4 - Online**

1:00pm - 3:00pm

**December 5 - Online**

9:00am - 11:00am

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**Have a look at the [OGRA Career Hub](#). Where you look for a career, not just a job.**

Join the conversation at [the OGRA Interchange](#)

*The mandate of the Ontario Good Roads Association is to represent the transportation and public works interests of municipalities through advocacy, consultation, training and the delivery of identified services.*



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**Afreen Raza**

**From:** Ontario Good Roads Association <DoNotReply@ConnectedCommunity.org>  
**Sent:** November-22-18 12:53 PM  
**To:** Clerks  
**Subject:** 125 Reasons to Register for the 2019 OGRA Conference

C.S. - LEGISLATION

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**125 Reasons to Register for the 2019 OGRA Conference.**  
February 24 - 27, 2019

C.C. S.C.C. File

**How the History of OGRA has Shaped Today and Will Define Tomorrow.**

Take Appr. Action

From The Good, the Bad and the Ugly of Municipal Asset Management Planning to Creating Localized Transit in Smaller Communities, the concurrent sessions will have something for everyone. [View all of the 2019 Workshops here.](#)

**Looking Ahead...the Emerging Municipal Leaders Forum**

As part of the 2019 OGRA Conference, students, recent grads, and interns will have the opportunity to speak directly with municipal leaders about the important work they do every day. The Emerging Municipal Leaders Forum will feature a panel of leaders from both the elected and staff sides of municipal government. [Click Here](#) for more Information.

Check out all of the planned [EVENTS](#), [HOUSING INFORMATION](#) and [TRAVEL DISCOUNTS](#) the 2019 OGRA Conference has to offer.

**REGISTER TODAY!**

COMING SOON - Keynote Speakers, OGRA Shift Disturbers and Technical Briefing Seminar Information. Check out [www.OGRACONFERENCE.ca](http://www.OGRACONFERENCE.ca) for updates.

**Have a look at the [OGRA Career Hub](#). Where you look for a career, not just a job.**

Join the conversation at [the OGRA Interchange](#)

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