



# Oshawa Harbour Information Session

July 16, 2010



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Oshawa





## Federal Funding Announcement & Commitment

- \$19.4 million
  - \$9.2 million environmental clean-up
  - \$10 million east wharf port consolidation
  - \$200,000 landscape buffers



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- Remarks by Mayor John Gray, City of Oshawa



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- Remarks by Gary Valcour, Chair, Oshawa Harbour Commission (OHC)



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## Settlement Highlights & Moving Forward Initiatives

- Overview by Dan Miles, University of Ontario Institute of Technology (UOIT)



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## Background

- In 1966, City transferred about 61 acres of land to the Crown for harbour/economic development purposes
- City felt that the 61 acres were underutilized and did not contribute to the growth of the local economy as intended





## Background continued...

- April 2006 - OHC and CN propose a rail spur on a part of the 61 acres
- July 2006 - In response, City initiated a lawsuit against OHC, CN and Crown to get the 61 acres back





## Background continued...

- September 2007 - rail spur approved by Canadian Transportation Agency over City's objection
- June 2009 - offer from Crown to try to negotiate a settlement and abandon lawsuit
- Too much fighting; too much litigation; too much negative taxpayer impact; too little progress



## Negotiations

- Negotiations between June 2009 and May 2010
- Negotiations were confidential; this is normal when a lawsuit is being settled
- Federal representatives were the quarterback or "middlemen" who negotiated with both City and OHC





## Negotiations continued...

- Terms of Settlement are included in two legal agreements: 1) Settlement Agreement and 2) Land Use, Development and Municipal Services Agreement
- Agreements presented to Crown, OHC and City
- The two legal agreements have been approved by the Treasury Board and are before the Minister for signature. They will be posted on the City's website once they are received by the City.



## **The Settlement was agreed to for a number of reasons**

1. The lawsuit would have cost hundreds of thousands of dollars
2. The Crown has certain authority over the City and could have expropriated back any of the 61 acres the City won in the lawsuit





## **The Settlement was agreed to for a number of reasons continued...**

3. The lawsuit and the 61 acres did not include all of the former marina lands so the only way to get all of the marina lands was to negotiate
4. The City did not own any land with which to bargain





## **The Settlement was agreed to for a number of reasons continued...**

5. The Crown was willing to contribute to the environmental clean up of land returned to the City as part of a settlement but not as part of a lawsuit; the Crown wanted to spend its money on an environmental clean up instead of legal fees
6. All three parties agree that the negotiated settlement is fair and balanced and very much in the interests of the City and its taxpayers, especially when the alternatives are considered





## What lands were involved in this settlement discussion?

- Lots of confusion about this!
- Settlement discussions were limited to the future ownership of the 61 acres that were subject to the lawsuit
- For instance the ownership of Gifford Hill lands was not “on the table” as it was not part of the lawsuit





## Settlement Highlights

- Crown confirms its commitment to spend up to \$9.2 million to conduct environmental clean up at the harbour
- Crown commits to spend up to \$5 million on environmental clean up of land to be transferred to the City



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## Settlement Highlights continued...

- Crown commits to provide \$10 million to the OHC for new, modern east wharf dockage; this is intended to grow the tax base, deliver new jobs and allow the Crown Land on the west wharf to evolve to uses essential to the Port and be more compatible with Lakeview Park



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## Settlement Highlights continued...

- Crown commits to provide \$200,000 to the OHC for landscape buffers adjacent to Simcoe and Farewell Streets and Harbour Road with the intent to beautify the area and create a landscaped edge for the waterfront trail
- Nearly 47% of the 61 acres (approx. 29 acres) is to be transferred to the City



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## Settlement Highlights continued...

- Crown to transfer an additional 19 acres of Crown Land to the City totaling 48 acres
- Lands to be transferred to the City are strategically located on the west side of the harbour and have significant potential



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## Settlement Highlights continued...

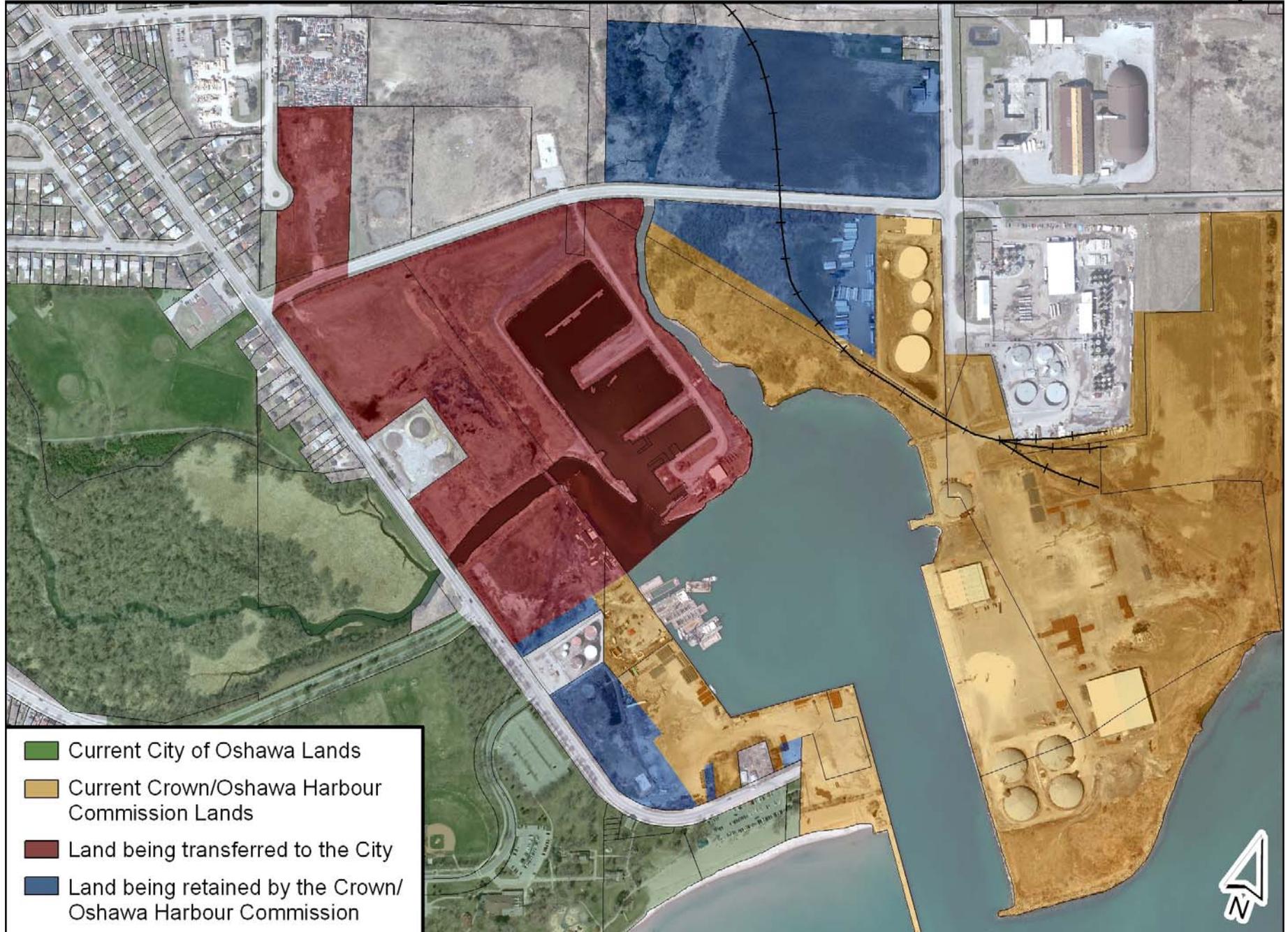
- Lands to be transferred include all of the former marina lands
- City is not required to accept any land that is not cleaned up to an acceptable environmental standard



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# Land Ownership





## Settlement Highlights continued...

- The City now has the opportunity to reestablish the Oshawa Marina which closed in 2002
- Lawsuit is settled and all parties avoid the costs and risks associated with the lawsuit
- Potential new jobs and growth of the tax base at the Port and on adjacent lands



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## Settlement Highlights continued...

- City provides some tax relief to the Port amounting to \$30,000 a year for 15 years
- In addition, most new port users will be responsible for all servicing and development costs and will be subject to property taxes



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## Settlement Highlights continued...

- City required to spend about \$1 million developing new parkland on land it will receive
- These monies have already been set aside in a City reserve fund



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## Settlement Highlights continued...

- No negative impact on the City's property tax base and taxes will not increase as a result of the settlement
- In fact, monies are expected to be saved and generated



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## Moving Forward

- The settlement allows all parties to move forward with concrete action that will benefit the community
- All public land at the harbour not owned by the City will become Crown land
- Crown land is not subject to municipal planning instruments like the Official Plan and Zoning By-law





## Moving Forward continued...

- Crown has completed the environmental planning and testing process
- Crown is preparing tender documents for the fall with the environmental clean up completion date of spring 2011



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## Moving Forward continued...

- OHC will transition into a Canada Port Authority (CPA) in fall 2010
- The CPA business model is consistent with port governance across the country
- Some benefits include enhanced transparency and more public accountability



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## Moving Forward continued...

- The rail spur may be built by the CPA and CN in accordance with the ruling by the Canadian Transportation Agency
- The CPA will begin to immediately plan, design and receive approvals for the new east wharf



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## Moving Forward continued...

- The CPA will also begin to prepare its first Land Use Plan and will involve the public in this process
- The Land Use Plan will encompass all of the lands owned by the Crown



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## Moving Forward continued...

- The City will begin to finalize its Waterfront Master Plan
- The City will investigate the reestablishment of a marina and the involvement of potential private sector partners to advance development on its new lands at the harbour



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## Moving Forward continued...

- City will work with the landowners on the north side of Harbour Road to revitalize the area and to move forward with residential development permitted by the Zoning By-law



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## Moving Forward continued...

- Work will begin to plan and implement landscape buffers along the roadways adjacent to the Harbour Lands
- This will complement the development of the waterfront trail by the City along the east side of Simcoe St, south side of Harbour Rd, to link with the existing trail east of Farewell St



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# Potential Urban Design Option





## Moving Forward continued...

- The parties will implement their commitments in the legal agreements including the development of new parkland
- This work will be coordinated with other work in the area and will be done progressively prior to 2014



## Moving Forward continued...

- Settlement resolves three historical issues:
  1. Governance – establishment of a Canada Port Authority (CPA)
  2. Land Ownership – defined land ownership and transfer of land
  3. Land Use – development of CPA Land Use Plan and City Waterfront Master Plan



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## In closing

- Thank you for attending today
- Visit [www.oshawa.ca/harbour](http://www.oshawa.ca/harbour) where the information pamphlet and Federal Government media release are posted.
- Send an email to [harbour@oshawa.ca](mailto:harbour@oshawa.ca) with your question. MP Carrie, the OHC and the City will work cooperatively to provide you with a reasonable response in a timely manner



## In closing continued...

- Myself, Mayor Gray and Mr. Gary Valcour will be located to the left of the room to respond to any questions
- The two legal agreements have been approved by the Treasury Board and are before the Minister for signature. They will be posted on the City's website once they are received by the City.



*Moving Forward at the*  
***Oshawa Harbour***



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