SUBJECT: Windermere Basin Natural Park Land Development (PW06088) - (City Wide)

RECOMMENDATION:

(a) That the landscape design for Windermere Basin as proposed by the Hamilton Waterfront Trust and illustrated in Appendix H be approved.

(b) That the design and construction of the Windermere Basin park land shall be subject to final detailed design approval by the City and that the General Manager Public Works be authorized to provide final detailed design approval of the Windermere Basin park land.

(c) That the Hamilton Waterfront Trust be directed to obtain all necessary permits and approvals for the construction of the Windermere Basin park land.

(d) That the total budget of $1,140,000 for the Windermere Basin park land design, environmental requirements and construction be funded from the following partners; the Hamilton Waterfront Trust in the amount of $570,000, the Canada-Ontario Infrastructure Program funding in the amount of $314,000 and from the City of Hamilton Reserve number 108035 in the amount of $256,000 and that the Hamilton Waterfront Trust be responsible for any costs overruns beyond this funding formula.

(e) That prior to proceeding with the construction of the Windermere Basin natural park land development, that the approval of the funding as identified in recommendation (d), be endorsed by the Board of the Hamilton Waterfront Trust and be submitted to the General Manager of Public Works.

(f) That any maintenance and operating costs incurred in 2006 and the projected annual maintenance and operation costs of $16,610 be included in the 2007 Operating Budget of the Operations and Maintenance Division, for consideration and approval by Council during the 2007 Budget process.
That the Mayor and City Clerk be authorized and directed to execute all necessary documents to implement recommendation (d) and to execute the service agreement with the Hamilton Waterfront Trust as directed in Report PW03025/FCS02015(a) approved by Council on April 23, 2003, to have content acceptable to the General Manager Public Works and the General Manager of Finance and Corporate Services and to be in a form satisfactory to the City Solicitor and Corporate Counsel.

John Mater, C.E.T.
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

Council has previously directed that the Hamilton Waterfront Trust (HWT) as project lead, prepare the design drawings and execute the construction of the Windermere Basin proposed natural park land. The information within this report outlines the proposed restoration of the lands to passive park land, which will support wildlife and create a green gateway to Hamilton in Ward 5.

The restoration of Windermere Basin as natural park land was one of four waterfront projects originally submitted to SuperBuild, now the Canada-Ontario Infrastructure Program (COIP) for funding support. This report provides an update to the partnership contributions as was directed by Council on April 23, 2003, through Report PW032025/FCS02015a. It is also noted, that if Council approves the design of the project, the park land is required to be constructed during the 2006 construction season, in order to comply with the March 31, 2007, deadline for the COIP funding.

This report indicates that the creation of the Windermere Basin passive park will require the clearing of the following specific conditions: a storm water management plan; an Environmental Impact Statement; and acknowledgement by the Ministry of Environment of a Record of Site Condition (RSC). The Hamilton Waterfront Trust, as project lead and Project Advisory Group Chair has estimated that the submission of the RSC to the Ministry of Environment will be achieved at the end of July 2006. Together with the other identified required approvals, the Hamilton Waterfront Trust indicates that the project works will commence and be completed by the March 31, 2007, deadline for the COIP funding.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 5 with City wide implications.
The Hamilton Waterfront Trust (HWT) as lead on this project has been undertaking the planning, design and public consultation for the restoration of the land base at Windermere Basin.

On January 31, 2001, through Report CS01009, Council endorsed staff’s submission of four waterfront related projects for SuperBuild funding, including the Waterfront Trail Extension (Pier 4 to Pier 8), the Hamilton Beach Trail, Dieppe Veterans’ Memorial Park and Windermere Basin. All four projects were successful in obtaining project funding at approximately 30% of the overall project budget from SuperBuild, now the combined Federal/Provincial grant entitled, the Canada-Ontario Infrastructure Program, (COIP). The first three projects, that is: the Waterfront Trail Extension; the Hamilton Beach Trail; and Dieppe Veterans’ Memorial Park, have been substantially completed. The Windermere Basin project is the final project to have design and construction completed by the Canada-Ontario Infrastructure Program, (COIP) deadline of March 31, 2007. The grant submission was coordinated for the various Lake Ontario waterfront municipalities by the Waterfront Regeneration Trust (WRT) in Toronto.

The original SuperBuild grant request suggested a vision for Windermere Basin supporting the City’s Official Plan designation of a passive natural park area providing trails, interpretive nodes, viewing areas and parking.

Previous Council direction on this project has been summarized in Appendix A within this report.

The following information as identified in the report sections; Location, History, Land Ownership, Study Team’s and Planning Designations/Environmental Approvals has been referenced from the State of the Basin Report - an Existing Conditions Report prepared by the Windermere Basin Steering Committee and the City of Hamilton, in November 2001. Further details on this steering committee are noted in the subsequent section of this report entitled, “Study Teams”.

Location:

Windermere Basin is a receiving basin for the Red Hill Creek prior to the water entering Hamilton Harbour and is located at the south east corner of Hamilton Harbour adjacent to the Queen Elizabeth Way (Q.E.W.), Eastport Drive and Woodward Avenue. The location of Windermere Basin and its land base also serve as a major entrance to the City. The area is surrounded by industry on the north, west and south sides. To the north is the major transportation corridor of the Q.E.W. and the Hamilton Beach neighbourhood. To the south and east resides the Parkview West neighbourhood, Globe Park, the Museum of Steam and Technology, Red Hill and Van Wagner’s marshes and Confederation Park.

History:

Historically, Windermere Basin was a natural wetland and mud flat. The wetland provided natural habitat for wildlife and served to naturally filter the outflow of the Red Hill Creek. The creek serves a watershed of parts of Hamilton, Stoney Creek and Glanbrook.

Windermere Basin has long been recognized as an important location for breeding and migrating birds. 26 species of birds, some regionally significant, breed or have bred at Windermere Basin in the recent past. The basin has become an important wintering
area for waterfowl. With the loss of wetland habitat in Hamilton Harbour, the remaining wetland in Windermere Basin has become increasingly important for fish and wildlife. Common Terns (birds) are becoming rare across the great lakes. The Windermere Basin area is providing habitat for these birds. In the past two years, black crowned night heron, another rare species have started to nest in the trees surrounding the basin.

Contaminated dredged materials from the basin in the late 1980’s were deposited in containment cells thereby creating the land base surrounding Windermere Basin itself. There was a soil cap placed over the dredged material of an approximate depth of six feet or 1.8 metres.

From a botanical perspective, the habitat at Windermere Basin is extremely disturbed according to surveys undertaken in 2001. The main vegetation documented included the native species of Sandbar Willow (Salix exigua) and Cottonwood (Populus deltoides). Non-native species include White Mulberry (Morus alba) and Siberian Elm (Ulmus pumila). Much of the vegetation is dominated by annual weeds.

In 1992, all levels of Government developed the Hamilton Harbour Remedial Action Plan, (RAP) to identify problem areas and recommend actions in the harbour area. The RAP identified Windermere Basin as one of eight sites for fish and wildlife habitat restoration projects in the industrialized section of Hamilton Harbour.

In 1997, the City’s Windermere Basin Study endorsed an option specifying open space, park and recreational uses on the land area and open water within the basin itself.

The basin itself serves as a sediment trap reducing sediment from entering the harbour and conflicting with shipping. In 1999, Regional Council endorsed the concept of Windermere Basin acting as a settling basin and directed staff to prepare a long term sediment management plan.

Land Ownership:

Ownership of the Windermere Basin lands was transferred to the City of Hamilton as a result of the agreement between the Federal Government, Hamilton Harbour Commissioners and the City of Hamilton. The amended Settlement Agreement was dated November 24, 2000.

The Settlement Agreement also noted that the lands were to be zoned and maintained by the City as green and open space. Furthermore, the City of Hamilton would be responsible for dredging and maintenance of the basin in a timely manner to ensure sediment build-up will not impinge on shipping or navigation of the harbour.

Study Teams:

In the year 2001, a steering committee was formed to produce a vision for Windermere Basin. The list of members of the steering committee is listed under Appendix B in this report. The committee produced the State of the Basin Report which identified existing conditions of the Windermere Basin. On September 10, 2001, the committee approved a Visionary Statement for the Basin which sighted a restored estuarine ecosystem for Windermere Basin. The complete Visionary Statement for Windermere Basin has been included as Appendix C.
The other main product that the original steering committee produced was the production of a one day design charrette for Windermere Basin held on November 20, 2001. The charrette was organized with the Waterfront Regeneration Trust of Toronto. The workshop brought together landscape architects, urban planners, architects and ecologists with experience in transforming brown field sites into new uses, with local community leaders, business representatives, elected officials and city planners. The main themes produced by the charrette exercise included, creating a front door to the community, establishing green infrastructure, using the basin as education/interpretation opportunities and considering alternate ways to manage dredging.

The original committee’s work was completed at this point (November 2001), as the Canada-Ontario Infrastructure Program funding for Windermere Basin was not approved and announced until March 5th of 2003.

**Hamilton Waterfront Trust:**

On April 23, 2003, through Report PW03025/FCS02015(a), Council approved the Hamilton Waterfront Trust (HWT) to lead the design and construction of the Windermere Basin parkland project, according to the principles, roles and responsibilities listed in Report CS02008, approved January 23, 2002, see APPENDIX D.

The HWT established a Project Advisory Group (PAG) to assist with the development of a naturalized plan for the Windermere Basin land base. Members of the PAG are listed in APPENDIX E.

PAG meetings were chaired by John Hall, Coordinator of the Remedial Action Plan and the local Ward 5 Councillor provided Council representation on the Project Advisory Group. The PAG meetings were undertaken on April 2, 2004, July 5, 2004, September 20, 2004, November 15, 2004, November 17, 2005, December 7, 2005, February 1, 2006 and May 24, 2006. In addition to the PAG meetings as noted, a Public Meeting was held on April 19, 2006 at the Lakeland Centre, 180 Van Wagner’s Beach. A summary memo of the Public Meeting prepared by John Hall has been included in this document as APPENDIX F. Public feedback supported the passive environmental park concept. PAG meetings were not held during the period of November 15, 2004 to November 17, 2005, due to the investigation and exploration of dredging options for Windermere Basin itself. Dredging of the basin is discussed in more detail in the following section of the report, “Analysis/Rationale”, sub-section: “Dredging of Windermere Basin”.

Details of the park plans proposed for the Windermere Basin park land by the Hamilton Waterfront Trust, are presented in the “Analysis/Rationale” section of this report, sub-section, “Landscape Plan for Passive Environmental Park”.

**ANALYSIS/RATIONALE:**

Planning Designations/Environmental Approvals:

Hamilton Harbour as a whole, including Windermere Basin, is designated as an Environmentally Sensitive Area (ESA) in the former Regional Official Plan. Since 1982 Windermere Basin has been designated as, “Special Policy Area 4” in the Hamilton Official Plan, which subjects the lands to further study. In 1998, Council approved the
designation of Windermere Basin as predominately “Open Space” and “Open Water” in the Official Plan.

An Official Plan Amendment in November of 2000, in accordance with the City and Hamilton Harbour Commissioners’ agreement, allows for the following land uses;

Visitor centre, museum, trail centre, information centre and open space uses. Submission of a Record of Site Condition on the open space blocks is required due to the potential of site contamination from previous dredging materials placed on the open space. Preparation of an Environmental Impact Statement (EIS) is also required. Currently, there is also a requirement for the Environmental Impact Statement to be submitted to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), as the Hamilton Harbour is an Environmentally Sensitive Area.

The Zoning for the property also amended in November 2000, designates for Blocks 1, 2 and 3, an “A”- ‘H’ designation which allows Conservation Open Space, Parks and Recreation with an “H” Holding Provision, as defined in By-law 00-212, passed September 26, 2000. The “Holding” provision requires specific conditions to be cleared before allowing development on the lands to proceed. Specifically, the “H” provision requires a storm water management plan, an Environmental Impact Statement and a signed Record of Site Condition (RSC) are completed to the satisfaction of the General Manager, Community Planning and Development and an acknowledgement of receipt of the RSC by the Ministry of Environment (MOE). Once these studies are approved, the “H” can be lifted through an amending By-law. The Holding provision does not require a public meeting, nor notice, only the need for the clearances described above. It should be noted, that the work proposed in the landscape plan for Windermere Basin does not in itself, trigger the need for the removal of the “H” Holding Provision, as there are no structures proposed, nor any requirement for a Building Permit.

Please refer to Appendix G for a Zoning Map of the Windermere Basin property.

Federal Environmental Assessment:
Mr. T. Lemoyre of Industry Canada has undertaken a Screening Report under the Canadian Environmental Assessment Act for the Windermere Basin site. The Mitigation Details under the Screening Report requires the following;

“Prior to proceeding with the park development the proponent shall provide to Industry Canada:

- A copy of the completed and MOE acknowledged, Record of Site Condition that indicates that the site has been cleaned up to the appropriate Provincial standard set out in the Guideline for Use at Contaminated Sites in Ontario, 1997.
- Any measures specified by the Department of Fisheries and Oceans (Fish Habitat Management), the Hamilton Conservation Authority and/or Environment Canada.”

Representatives from Industry Canada indicate that they are willing to consider allowing the park construction to proceed, upon the submission of the Record of Site Condition to the Ministry of Environment, which would allow the project to be constructed within the Canada-Ontario Infrastructure Program deadline.

Ontario Environmental Assessment:
The Windermere Basin project is exempt from the environmental assessment requirements of the Ontario Environmental Assessment Act as the estimated cost of the
project is not more than $3,500,000. The work on examining dredging alternatives for Windermere Basin, has been undertaken according to the Drainage Act and therefore, provides an exemption for the dredging works under the Ontario Environmental Assessment.

Hamilton Conservation Authority:
The Hamilton Conservation Authority will require permits for fill placement or grading on the site. Any work on the shoreline itself within Windermere Basin would also require a permit.

Ministry of Transportation:
The Ministry of Transportation will be contacted by the Hamilton Waterfront Trust, to determine if the proximity of the proposed work at Windermere Basin will require a permit.

Ministry of Environment:
The Hamilton Waterfront Trust (HWT) as project lead and Chair of the Project Advisory Group estimates that the submission of the Record of Site Condition to the Ministry of Environment will be achieved in late July 2006.

Dredging of Windermere Basin:
As noted under “Land Ownership”, the Settlement Agreement between the Federal Government, Hamilton Harbour Commissioners and the City of Hamilton requires the City to be responsible for dredging the basin to ensure sediment will not impinge on navigation of the harbour.

Sources of the sediment originate from the Red Hill Creek, Parkdale Combined Sewer Overflow and the Woodward Waste Water Treatment Plant. Improvements are planned or underway for all three of these facilities which will reduce sediment load on Windermere Basin and the harbour. The current volume of sediment in Windermere Basin is estimated at approximately 320,000 m$^3$, with an average annual deposition of approximately 17,000 m$^3$ of sediment.

As the potential cost of dredging Windermere Basin was estimated as high as 24 million dollars, the Water Wastewater Division of Public Works has been investigating fifteen alternatives relating to dredging in order to define the most effective and cost efficient method for addressing the sedimentation. As some of the dredging methods would require using the Windermere Basin parkland for staging areas, de-watering of the dredged material or the raising of the land base with the dredged material, therefore, the park design required coordination with the exploration of dredging alternatives.

The original deadline for completing the Canada-Ontario Infrastructure Program projects was March 31, 2006. With the co-ordination work required with the dredging operations it was not possible to start the Windermere Park construction work before the deadline. The City of Hamilton along with several other municipalities through the Waterfront Regeneration Trust in Toronto, were successful in attaining an extension to the COIP project deadline to March 31, 2007.

Recently the Water Wastewater Division has explored returning Windermere Basin to a natural wetland condition and not dredging the basin itself. A substantial reduction in dredging would be undertaken outside the outfall of the basin, at Pier 25. The recreation of a wetland in Windermere Basin would support the Hamilton Harbour
Remedial Action Plan of the restoration of fish and wildlife habitat in the industrialized section of Hamilton Harbour. The plan as envisioned would include the creation of small islands in the basin which would create a channel for water flow and an adjacent wetland area. The gaps between the islands could contain removable grates to control large fish access such as Carp. The grading of the wetland would ensure that fish were not stranded during water level changes. It is expected that the cost to develop the wetlands and dredging costs would be reduced to approximately six (6) million dollars.

The plan for the wetland would require the drying of dredged material from the outfall of the basin at Pier 25, on the strip of lands west of Windermere Basin. With this alternative of creating the wetland and not dredging the actual basin, the creation of a natural passive park on the lands east of the basin is now feasible. Please refer to the Location Plan, Appendix K.

Landscape Plan for Passive Environmental Park:

The Hamilton Waterfront Trust has prepared a landscape plan (Appendix H) for the land base of fourteen hectares (34 acres) on the east side of Windermere Basin adjacent to Eastport Drive. The intention of the plan is to recreate a naturalized passive park environment, as per the City’s Official Plan designation and the Settlement Agreement with the Federal Government, Hamilton Harbour Commissioners and the City.

Prairie grasses will be introduced producing a central green meadow to the park. Seven thousand (7,000) bare root seedlings will be planted around the central green meadow. The plan also suggests some larger plant material will be introduced adjacent to the park’s frontage on Eastport Drive adjacent to the Queen Elizabeth Way. A complete plant list has been included as Appendix I.

The landscape plan also incorporates a three metre (10 foot) wide stone dust walkway that navigates the periphery of the site. Two lookouts are proposed along the walkway that will provide views to the Red Hill Creek and the basin itself. Finally, a small gravel parking lot of twelve parking spaces is proposed with access from Eastport Drive.

The proposed landscape plan will accomplish the vision of a restored estuarine ecosystem, providing a sanctuary for wildlife and passive recreational use. Windermere Basin will grow into a natural green gateway in an industrialized waterfront. The regeneration of this area will create opportunities for a more healthy environment. It is proposed, that the internal trails of the site will connect with linkages across the Lake Ontario waterfront.

**ALTERNATIVES FOR CONSIDERATION:**

The option of not restoring the Windermere Basin land to a regenerated environmental park would not implement the following previous direction on the property, including:

- The 1992 Hamilton Harbour Remedial Action Plan (RAP) as a restoration site;
- The 1997 City Windermere Basin Study specifying open space, park and recreational uses;
- The 1998 Hamilton Official Plan designation as predominately, “Open Space” and “Open Water”;
- The 2000 Settlement Agreement between the Federal Government, Hamilton Harbour Commissioners and the City of Hamilton noting the lands were to be zoned and maintained by the City as green and open space;
- The November 2000 Official Plan Amendment land uses of visitor centre, museum, trail centre, information centre and open space uses;
- The 2000 Zoning as Conservation Open Space, Parks and Recreation

In order to qualify for the approximate 30% funding level from the Canada-Ontario Infrastructure Program, the creation of the Windermere Basin environmental park land restoration must be constructed during the 2006 construction season.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Project Budget:**

The original budget for the Windermere Basin passive park land as submitted to the SuperBuild later Canada-Ontario Infrastructure Program was for $1,154,800.

This budget amount was rounded up to $1,200,000 and reported to Council through Report PW03025/FCS02015a and approved by Council on April 23, 2003. The budget as noted in Table 2 of Report PW03025/FCS02015a, identified a funding partnership of SuperBuild (Canada-Ontario Infrastructure Program) of $314,000, Hamilton Waterfront Trust of $577,400 and $308,600 from City Reserve contribution. It was noted in the report that the cost estimate was not final and the HWT and City contributions were only estimates. Recommendation of the report directed that the City confirm the partnership contributions as identified above.

As the south side of Windermere Basin is required for dredging operations that is drying of the dredged materials the entire area cannot be landscaped at this time. The majority of the area being the north side of the basin can proceed with a budget for the landscaping of the 14 hectares (34 acres) passive parkland of $1,140,000, as determined by the Hamilton Waterfront Trust.

The Hamilton Waterfront Trust’s Executive Director has forwarded acknowledgement in an e-mail (Appendix J) that, “The Hamilton Waterfront Trust would be looking at contributing 50% of this total cost ... (total cost) estimated at approx. $1,140,000”. Therefore the 50% contribution from the Hamilton Waterfront Trust would yield a contribution of $570,000. The Canada-Ontario Infrastructure Program at approximately 30% funding would yield a contribution of $314,000. The remaining funding for the project of $256,000 would be supported from the City of Hamilton Reserve Account No. 108035.

The Hamilton Waterfront Trust’s Executive Director did indicate that the funding support had not been approved by the Board of the Hamilton Waterfront Trust at the time of the deadline for this report. Staff would recommend that the approval of the funding be endorsed by the Board of the Hamilton Waterfront Trust, prior to the project proceeding to construction.

**Maintenance Implications:**

The Parks Operations and Maintenance staff of Public Works has advised that the restoration and development of the Windermere Basin natural park land will increase
annual parks maintenance costs by $16,610. The annual maintenance expense will consist of $10,645 in existing labour staff, $3,300 in equipment and $2,665 in materials.

As the creation of the naturalized park is not scheduled for completion until the fall of 2006, the full impact on operating costs will not be realized until the 2007 budget year. The annual funding of the trail maintenance costs as noted above will be submitted for Council’s consideration as part of the 2007 Parks program base budget submission. A 2007 base budget pressure of $16,610 will be identified.

Staffing:

No additional staffing will be required.

Legal:

Staff has reviewed with Legal Services the planning designations and environmental approvals required for this project, as identified under the Analysis/Rationale section of this report.

The 2000 Settlement Agreement between the Federal Government, Hamilton Harbour Commissioners and the City of Hamilton specified the lands were to be zoned and maintained by the City as green and open space.

**POLICIES AFFECTING PROPOSAL:**

The Community Services Parks, Culture and Recreation Final Master Plan indicated Fifteen Strategic Directions that were approved by Council on June 18, 2002, in Report CS020050. One of the Strategic Directions indicated, “Increase public access to the waterfront.” The restoration of Windermere Basin as open space and passive parkland will support this strategic direction.

**RELEVANT CONSULTATION:**

Internally, staff has consulted with the Planning and Economic Development Department with respect to Zoning and required municipal approvals, Parks Operations and Maintenance of Public Works with respect to maintenance impacts, Strategic and Environmental Planning Public Works regarding environmental approvals, Corporate Finance with respect to the project financing and Legal Services on municipal and environmental approvals.

Externally staff has consulted with the Remedial Action Plan Coordinator, the Hamilton Waterfront Trust, The Windermere Basin Project Advisory Group with respect to the project background and specifics, Industry Canada and the Waterfront Regeneration Trust regarding Canadian Environmental Assessment Act requirements and the Hamilton Conservation Authority with respect to approvals.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

The public are involved in the definition and development of local solutions.
Public Advisory Group and public meeting assist in the redevelopment of a brown field site and restoration of natural habitat.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.
Creation of a restored estuarine ecosystem and restitution of the industrialized harbour.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.
Habitat regeneration for wildlife. Trail system and connections to adjacent neighbourhoods is possible.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
Restoration of a brown field site to a natural habitat supporting migrating birds and wildlife.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
Life-long learning is supported.
Restoration of the area has the potential of adding educative interpretive panels for the public on the harbour and wildlife.
Previous Council Direction on Windermere Basin can be summarized as follows:

1. Council endorsed submission of the four waterfront projects, Waterfront Trail Extension, Hamilton Beach Trail, Dieppe Veterans’ Memorial Park and Windermere Basin to the Waterfront Regeneration Trust, for SuperBuild funding in the amount of $4,310,000 through Report CS0101009 on January 31, 2001.

2. Report PW032025/FCS02015a as approved by Council on April 23, 2003 indicated that staff seek a service agreement with the Hamilton Waterfront Trust for the design and construction of the Windermere Basin project subject to confirming partnership contributions as indicated in Table 2 of the report and on the role and responsibilities outlined in Report CS02008, (Approved on January 23, 2002). The original reported funding in Table 2 of Report PW032025/FCS02015a indicated a total project cost of $1,200,000 for Windermere Basin with $314,000 from SuperBuild, $577,400 from the Hamilton Waterfront Trust and $308,600 from the City Reserve. It was noted that the project cost was not final and that the City and Hamilton Waterfront Trust contributions were only estimates.

3. Report PW032025/FCS02015a further noted that the City’s portion of the funding of the Windermere Basin project was to be funded through Reserve 108035.

4. PW032025/FCS02015a also directed staff to execute the required funding agreements with SuperBuild or designate regarding the Windermere Basin project.
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Capital Planning and Implementation, Open Space Development and Park Planning

Windermere Basin Natural Park Land Development

Appendix B

June 2006

N.T.S.
Windermere Basin Vision Statement

Approved September 10, 2001 by the Steering Committee

“Windermere Basin will be a restored estuarine ecosystem, providing a sanctuary for wildlife and passive recreational use. With improved water quality and habitat regeneration, Windermere Basin will be a ‘healed’ area; a source of community pride; a place where citizens and visitors can witness the ongoing regeneration of the area to a more healthy environment.

Windermere Basin will be a green area in an industrial waterfront. As a unique feature of the eastern gateway to the City of Hamilton, the Basin will be an area where people can learn and understand about the area’s natural and cultural history. Trails will connect the Basin with other natural and cultural attractions in the surrounding area, thus facilitating public access and linkages across the entire Hamilton Waterfront.”
### Service Agreement Principles and Roles and Responsibilities

<table>
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<th>Council Role</th>
<th>Staff Role</th>
<th>Hamilton Waterfront Trust (HWT) Role</th>
</tr>
</thead>
</table>
| Final Approval of all design and land disposition issues based on recommendations of staff:  
- Budget approval  
- Approval of real estate, land legal matters including agreements (excluding construction contracts)  
- Final decision body with respect to City owned lands | Liaison between Trust and Council, via Director, Design and Construction, Community Services Department  
- Part of HWT design team  
- Input in design development and route alignment options  
- The Director of Design and Construction, Community Services would be the contact person with HWT staff and would co-ordinate City staff activities, including but not limited to communications between City and HWT staff, request for technical information, liaison with Council, consistency + co-ordination with other municipal projects, official and land use plans and initiatives  
- Ensures a process within the Service Agreement for resolving conflicts or disputes, i.e. Dispute resolution clause  
- Reviews status reports from HWT, including design, construction and financial status and attends all meetings  
- Provide base information currently available  
- Applies to Waterfront Regeneration Trust for funding  
- Negotiates detail real estate, land and legal issues  
- Co-ordinates between Federal Discovery Centre and HWT  
- Reviews designs, tender drawings, estimates and makes recommendations to Council  
- Makes recommendations for take over/assumption process  
- Joint Official opening ceremonies in HWT staff | Lead in providing design and construction services  
- Makes recommendations to staff for Council’s consideration  
- Accountable for design, construction activities  
- Accountable for budget including monitoring expenditures and revenues to remain within approved budget  
- Fixed/guarantee fee and budget for all services and construction costs once design is approved by Council  
- Establishes and leads team including stakeholders, chairs team meetings and prepares minutes  
- Design development to City standards or better and in consultation with staff and team  
- Community Consultation  
- Liaison with funding partners and obtain an additional funding as required  
- Project schedule  
- Accounting and progress payments  
- Obtains approvals from all agencies having jurisdiction  
- Insurance and indemnification to City for work on City lands  
- Tender call, award and contract administration  
- Construction contracts with Trust  
- Construction supervision and quality assurance  
- Health and Safety Act Requirements  
- Commissioning and final inspections  
- Provides status reports to staff for review and provides final financial audit statement to Council at completion of project  
- Joint Official opening ceremonies in City staff |

### Windermere Basin Natural Park Land Development

**Capital Planning and Implementation, Open Space Development and Park Planning**

- **General Manager**
  - Scott Stewart, C.E.T.

**Appendix D**

- **June 2006**
- **N.T.S.**
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Windermere Basin Project Advisory Group

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Capital Planning and Implementation, Open Space Development and Park Planning

Windermere Basin Natural Park Land Development

Appendix E-2

June 2006

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**Capital Planning and Implementation, Open Space Development and Park Planning**

**Windermere Basin Natural Park Land Development**

**Appendix E-3**

**June 2006**

**N.T.S.**
MEMO TO: Windermere Basin Project Advisory Group
FROM: John D. Hall MCIP, RPP
RAP Coordinator
REGARDING: April 19, 2006 Public Open House
DATE: May 24, 2006

A public open house was held during the afternoon and evening of April 19, 2006. This event was held at the new Lakeland Centre on the Hamilton Beach. The afternoon session ran from 2:00 PM to 5:00 PM with a presentation and question and answer period at 3:00 PM. The evening session ran from 6:00 PM to 8:00 PM with a presentation and question and answer period at 7:00 PM.

An advertisement for the open house was placed in the Hamilton Spectator Saturday April 15, 2006, the attached invitation was delivered to all Hamilton Beach Residents and to streets from Parkdale to Centennial Parkway and north of Barton Street in east Hamilton. As well the event was advertised on the websites of the City of Hamilton, Bay Area Restoration Council, and a number of other community and environmental groups.

Displays included three panels from the facilitator; “Vision Statement”, “PAG Group Membership” and “Valued Ecosystem and Social Components”. A panel showing the “Landscape Plan” was provided by the Hamilton Waterfront Trust and panels of “two alternatives for the basin wetland” were prepared by Dillon Consultants.

The Hamilton Spectator carried a story on the open house and project along with a map of the site showing the proposed wetland and landscaping on surrounding lands.

Afternoon and Evening Presentations:

During the afternoon twenty people signed into the open house and it is estimated that approximately 30 attended not including staff and presenters. In the evening 27 people signed into the open house and it is estimated that approximately 40 people attended not including staff and presenters.

John Hall facilitated the presentation sessions. He began by providing a resumé of the past planning carried out on the property and the role of the Project Advisory Group. The fact was made clear to those in attendance that two planning initiatives are proceeding in parallel (i.e. the basin wetland and surrounding land naturalization). The vision statement prepared by the PAG was read to the attendees.

Basin Wetland Presentation:

John Helka provided a brief overview of the dredging requirement for the basin and the proposed various options for dredging. The option to dredge downstream of the basin and restore the basin to a wetland was identified as preferred.
Gintas Kamaitis of Dillon provided a more detailed overview of the wetland design. He reviewed: the hydrology and hydraulics; sediment condition; potential to grow plants; and potential for bioaccumulation of toxics in the sediment or water column and in the animal community.

**Surrounding Land Naturalization Presentation:**

Erik Hess of the Hamilton Waterfront Trust provided an overview of the landscaping plan. A letter page size copy of the plan (attached) along with planting information was provided to everyone in attendance. The master plan includes naturalization with savanna grassland surrounded by a wide riparian corridor along the basin edge and more formalized natural vegetation along a berm area bordering East Port Drive. Approximately 7,000 trees and shrubs will be planted as bare root seedlings. There will be some larger plant material adjacent to Eastport Drive and the QEW. There will also be a 3 metre wide granular path loop that will provide pedestrian access around the periphery of the site. A small parking area will be provided.

**Questions and Comments:**

Ginitas Kamaitis, Jim Harnum (afternoon only), John Helka and Erik Hess answered most of the questions. The following is a list of the topic discussed.

- Trail connections to Red Hill Creek, Hamilton Beach and Burlington Ship Canal
- The need to burn the prairie grasses from time to time
- Cattail management in the wetland to allow for diversity with mud flats
- Level of contamination in sediments
- Dredging of Windermere Arm and who pays
- What was the basin like historically and how does this relate to the historical basin in configuration and ecology; how does the present engineered design of the creek and wetland relate to historical configurations and is this relationship important
- Will it be a stable ecosystem over the long term
- Stability of CDF sediments
- Cost savings of dredging pier 25
- Parking and washrooms if this site gets popular
- Will the wetland created be accessible by people
- Will the National Slag area be accessible in the future by people

The following comments were provided from the four comment sheets completed. (attached)

- Interested in volunteering to help with plantings, etc.
- Support for plans and bringing back wildlife (3)
- Support for using small-sized planting stock and higher numbers of plants, felt this would be more successful
- Look forward to enjoying trails
City of Hamilton

Current Zoning Around Windermere Basin

(Zoning By-law 00–212)

Planning and Development Department

Legend

- "A"-"Y" (Conservation, Open Space, Park & Recreation
  - Holding District Modified.
- "A"-"Y" (Conservation, Open Space, Park & Recreation
  - Holding District Modified.
- "A"-"Y" (Conservation, Open Space, Park & Recreation
  - Holding District Modified.
- "F-4" (Industrial) District Modified.
- "F-2" (Open Space-Heavy Industry) District
- "K" (Heavy Industry, etc.) District Modified.
- "K" (Heavy Industry, etc.) District Modified.
- "K" (Heavy Industry, etc.) District Modified.

MAP 5

Capital Planning and Implementation,
Open Space Development and Park Planning

Windermere Basin Natural Park Land Development

Appendix G

June 2006
N.T.S.
# Windermere Basin Landscape Planting

## List of Plants

<table>
<thead>
<tr>
<th>Legend</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Qty</th>
<th>Height</th>
<th>Condition</th>
<th>Notes</th>
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<tbody>
<tr>
<td>qm</td>
<td>Quercus Macrocarpa</td>
<td>bur oak</td>
<td>140</td>
<td>40mm cal</td>
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<td>&quot;T&quot; BAR STAKED</td>
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<td>co</td>
<td>Celtis Occidentalis</td>
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<td>ar</td>
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<td>cr</td>
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-----Original Message-----
From: Werner Plessl [mailto:wplessl@sympatico.ca]
Sent: Wednesday, July 12, 2006 3:20 PM
To: Norman, Robert
Subject: Windemere Basin

Hi Rob
The info in are looking for is total cost (design, environmental issues & construction) are estimated at approx. $1,140,000). The Hamilton Waterfront Trust would be looking at contributing 50% of this total cost.

Werner