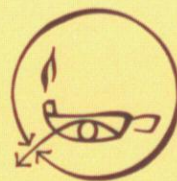


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CN THE WATERFRONT

"Our waterfront resource" is a term that has taken on a very different meaning in recent years. For half a century, the nation's city harbours have been run by federal harbour commissions. Established in the early 1900's, the commissions were charged with overseeing harbour growth and development. The government's clear intention was to create agencies specifically concerned with the expansion of port shipping. The waterfront was primarily a commercial and industrial resource.

What happened to the harbours? Landfill operations were undertaken to rationalize the shoreline. Docking and warehouse facilities were built and expanded. Ship canals were dug. The harbour was a place to do business, not to live or stroll or swim. It was the core of the city one made every attempt to get away from -- to the suburbs, the weekend cottage...

In more recent years the quality of life in the city core has become a subject of great interest. Higher urban densities, and the reduction in private yard space they bring, have focused attention on the amount and kind of public open space available. The waterfront, with its immense potential for residential and recreational development is an important resource. But houses and container ports, beaches and industry do not mix well.

Careful and well-coordinated planning is needed -- planning that views the waterfront as a resource for the entire city and not simply one set of interests. Administrative arrangements to control the development of our waterfronts, however, do not encourage a comprehensive approach. The harbour commission, while providing for at least one city appointee on the board, is a federal agency. It has control over all development within the harbour; its decisions are not subject to the normal planning procedures and controls that operate within the regular municipal boundaries. Harbour development compatible with overall municipal priorities relies heavily on cooperation and good faith.

At a time when there was general agreement that waterfront priority should go to commercial development, the harbour commission's job was relatively straightforward and coordination a simple matter. But when priorities diverge, decisions are less simple. Recent disagreements concerning the future development of the Hamilton Harbour bring the problem

sharply into focus.

The Hamilton Harbour Commission was formed in 1912 at the request of the City. The Commission has two federal appointees and one City appointee, and is responsible for the 11.3 square miles of the Hamilton Harbour.

Harbour development in Hamilton followed the common pattern: water lots are sold, landfill is used to provide a building base, and facilities built on the landfill. In Hamilton, the lots have generally not been sold through tender or public notice; sales have been negotiated individually with purchasers approaching the Commission. The development approval process follows federal lines of authority only since the Harbour Commission is a federal agency. Approval criteria closely follow the Commission's mandate:¹

...the contributions to be made to the local economy and the marine industry are the criteria which determine what is to be built on a reclaimed water lot...

In 1960, the Commission sold 40 acres of water lots to a private developer for \$60,000, apparently on the understanding that the reclaimed lots would be developed as an industrial park with provision to purchase a further 80 acres. The area carried an industrial designation.

The area is adjacent to the North End urban renewal area. The early urban renewal plans had included the reclaimed area and designated it for residential development compatible with redevelopment planned for the renewal area. Although the reclaimed area was subsequently removed from the urban renewal plans, federal-city agreement on the North End urban renewal scheme was conditional on the reclaimed area being developed residentially. The City, claiming control over the area once the land is reclaimed, designated the lots for special water uses -- a designation that permits hotel, marina, and residential development but not industry. The City and the developer are pleased with the designation, the Harbour Commission is not and has refused approval.

The issue has been further complicated by growing North End opposition to development of the water lots. The opposition centres on the original decision to sell and develop -- a decision that would greatly affect the neighbourhood but one over which area residents had no control

Notwithstanding continued area opposition to any development and City and Commission disagreement over the type of the development, landfill operations have continued apace. Area groups have continued to charge that the landfill will create pollution in the harbour. But the Ontario Water Resources Commission, responsible for water pollution control, has

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E.D.Hickey, Chairman, Hamilton Harbour Commission, as quoted in the Hamilton Spectator, March 21, 1970.

indicated that it does not have authority over the development and cannot move on the pollution issue until the water is contaminated.

The issue continues unresolved, with threats and counter-threats of court action to settle the jurisdictional dispute. But court decisions on jurisdiction are not designed to facilitate inter-agency cooperation to integrate the needs and preferences of various interests. And the need for coordination remains paramount. As recently as the close of 1971, the Harbour Commission effected an exchange of lands with Stelco and Dofasco, two of the largest users of Hamilton port facilities. The exchange, undertaken privately with no notice to the public or the City, gave the two companies 103 acres for 313 they had owned. The Harbour Commission has indicated its intention to deed the 313 acres to the City for park use. The Commission has also indicated its intention to maintain exclusive control over development of the 103 acres: development which, according to present plans, City officials feel may render the 313 acres unsuitable for park use.

The solution would appear to lie instead in a full review of the nature and function of harbour commissions, their authority, jurisdiction and relationship to other governmental agencies, especially municipal. Urban harbours are an important resource to people in the city. Jurisdiction regarding their development was turned over to harbour commissions at a time when cities were small, far less complex, and possessed at best very unsophisticated planning skills. That picture has changed considerably and the rationale for continued use of harbour commissions, as we know them today, may well have disappeared.

Its time we found out.