

Planning and Development Council Meeting  
Monday, February 3, 2025

**Comments Received Regarding Item 6.3**

Rose Corporation  
420 South Service Road East  
Official Plan Amendment  
File No. OPA.1612.19

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**From:** Proximity <proximity@cn.ca>  
**Sent:** Wednesday, December 11, 2024 1:01 PM  
**To:** Franca Piazza  
**Cc:** Town Clerks  
**Subject:** [EXTERNAL] 2024-12-11\_CN Comments\_South Service Holding Corporation - 420 South Service Road East - File No. OPA1612.19, Ward No. 3  
**Attachments:** NCA\_OPA1612.19\_20241206.pdf

Hello Franca,

Thank you for circulating CN on the proposed development project noted in subject. It is noted that the subject site is located within 300 meters of CN's Main line and 1000 meters of CN's Oakville Rail Yard operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's objective regarding developments in proximity to railway operations is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of the future development's residents and users is not negatively affected. CN, in collaboration with Railway Association of Canada and the Federation of Canadian Municipalities, developed the Guidelines for New Development in Proximity to Railway Operations in order to promote proper planning around railway operations. The Guidelines can be found at <https://www.proximityissues.ca>.

CN requests for the implementation of the following criteria as conditions of an eventual application approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 120 metres, unless a safety berm is integrated in the site design. In consideration of a minimum safety setback, not less than 30 meters, a safety berm will be required. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the property line facing the railway corridor.
3. The applicant shall consult CN concerning the proposed underpass crossing the railway right of way prior to application approval and submit the necessary documents to CN for an evaluation of the feasibility of the proposed underpass and the possibility of obtaining future authorizations from CN.
4. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant.
5. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
6. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1000 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

7. The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.
8. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety, fencing and noise/vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
9. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
10. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favor of CN.

CN will complete a review of the noise study, and the a storm water management report and will provide comments. CN also anticipates reviewing detailed plans regarding the proposed underpass crossing the railway right of way.

We request that CN Rail and the [proximity@cn.ca](mailto:proximity@cn.ca) email be circulated on public notices and notices of decisions with respect to this and future land use planning applications with respect to the subject site.

In order to ensure the safety of railway operations, CN’s operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN’s property must be arranged through a work permit.

Thank you



**CN Proximity**

[proximity@cn.ca](mailto:proximity@cn.ca)

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**From:** Franca Piazza <[franca.piazza@oakville.ca](mailto:franca.piazza@oakville.ca)>

**Sent:** Friday, December 06, 2024 11:52 AM

Cc: Delia McPhail <delia.mcphail@oakville.ca>

Subject: South Service Holding Corporation - 420 South Service Road East - File No. OPA1612.19, Ward No. 3

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Attached is Complete Application for a Proposed Official Plan Amendment Notice served in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

If you prefer we use an alternative email address for service, please contact Franca Piazza, Legislative Coordinator at 905-845-6601 ext. 5986 or at [franca.piazza@oakville.ca](mailto:franca.piazza@oakville.ca).

**Franca Piazza, (She/Her)  
Legislative Coordinator  
Planning & Development**

Town of|905- ,ext. |f: [http://secure-web.cisco.com/1Z0cm882kY8eWtRIVec55aXRVmEVGRKKfYFbzfzmSTJD8nm1zyvcLkwB-zHjOqvz79-7tSWH5tyFi-ztYZesS8b3Tx6nm1IG4ehmabtMZtBd3Ra6O5hHJu9AqSJBaqS0zyMYDyUDFn5wT7MvOUdE46J75sQuY8WVQRhRtjaulaEtbWltaVd75ON3ITb9InzcVuq8\\_ZLvcJVahU6Zd6o46HJdbMT7r\\_OI\\_tUIBPI/http%3A%2F%2](http://secure-web.cisco.com/1Z0cm882kY8eWtRIVec55aXRVmEVGRKKfYFbzfzmSTJD8nm1zyvcLkwB-zHjOqvz79-7tSWH5tyFi-ztYZesS8b3Tx6nm1IG4ehmabtMZtBd3Ra6O5hHJu9AqSJBaqS0zyMYDyUDFn5wT7MvOUdE46J75sQuY8WVQRhRtjaulaEtbWltaVd75ON3ITb9InzcVuq8_ZLvcJVahU6Zd6o46HJdbMT7r_OI_tUIBPI/http%3A%2F%2)

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**Complete Application for a Proposed Official Plan Amendment  
420 South Service Road East  
South Service Holding Corporation  
OPA1612.19, Ward 3**

The Town of Oakville has received a complete application by South Service Holding Corporation for a proposed Official Plan Amendment.

The proposed Official Plan Amendment will allow for the future redevelopment of the site for a mixed-use community. The concept includes three blocks of mixed-use buildings, ranging in height from 30-48 storeys, and one block for a public park. The proposed development will introduce a road network and servicing network to support the proposed uses.

A Zoning By-law Amendment application and Site Plan application will be necessary to implement the proposed development. However, those applications are not imminent.

The subject lands are located south of the QEW and east of Trafalgar Road, on the site of the former General Electric Canada Lamp Plant (see location map, below).

At this time there are no other applications, under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, pertaining to the subject lands.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Oakville to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council c/o the Town Clerk at the Town of Oakville, Clerk's department, 1225 Trafalgar Road, Oakville, ON L6H 0H3 (Dropbox is located in front of Town Hall) or at [TownClerk@oakville.ca](mailto:TownClerk@oakville.ca) before the official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to Council c/o the Town Clerk at the Town of Oakville, Clerk's department, before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Town of Oakville on this matter, you must make a written request to the Town Clerk at the Town of Oakville, Clerk's department, 1225 Trafalgar Road, Oakville, ON L6H 0H3 or at [TownClerk@oakville.ca](mailto:TownClerk@oakville.ca).

**Town of Oakville** | 1225 Trafalgar Road, Oakville L6H 0H3 | 905-845-6601 | oakville.ca

For more information about this matter, including information about preserving your appeal rights, visit [www.oakville.ca](http://www.oakville.ca) and search "OPA1612.19", or contact Delia McPhail, Planner, Planning and Development department at 905-845-6601, ext. 3785 (TTY 905-338-4200) or at [delia.mcphail@oakville.ca](mailto:delia.mcphail@oakville.ca).

The personal information accompanying your submission is being collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and can form part of the public record which may be released to the public.

Dated at the Town of Oakville December 6, 2024.

