

REPORT

Planning and Development Council

Meeting Date: May 20, 2025

FROM: Transportation and Engineering Department

DATE: May 6, 2025

SUBJECT: Recommendation Report, Natural Heritage System
Conveyance, 1300 Bronte Road, 24T-21009.1531

LOCATION: 1300 Bronte Road

WARD: Ward 1

Page 1

RECOMMENDATION

That staff be authorized to receive the Natural Heritage System (NHS) dedication lands from 1300 Bronte Road in their current state with low-risk levels of soil contamination in accordance with the findings of the environmental audit.

KEY FACTS

The following are key points for consideration with respect to this report:

- As a condition of draft approval, the applicant will be required to convey 5.32 hectares of NHS woodlot to the town through the subdivision application. A portion of the subject lands were historically used for agricultural activities, including an apple orchard and a residential dwelling.
- The land will be naturalized and form part of the town's NHS as a future woodlot.
- Environmental Site Assessments prepared in support of the subdivision application confirmed that most of the NHS woodlot meets the Ministry of the Environment, Conservation and Parks (MECP) standards; however, a localized pocket of slightly elevated pesticide concentrations was detected in soil at the northeast edge near Bronte Road.
- The elevated concentrations of pesticides are attributed to a former orchard that ceased operations in the mid-1980s.
- The standard requirement is that lands dedicated to the town must be free of contamination. However, in this case, soil removal is not recommended due to potential negative impacts on the woodlot and its ecological community.

- An Environmental Due Diligence Risk Assessment (DDRA) and its peer review were recommended to evaluate potential risk and determine if management measures were needed.
- Both the DDRA report and peer review concluded that the elevated concentrations do not pose a concern for those working or visiting the land and for ecological community in the area, which includes plants, animals and aquatic species.
- No long-term risk management measures are required for the land as a woodlot.
- Given the low risk to the town from the soil conditions, and the potential of negative impact on the Natural Heritage System if remediation were to be pursued, staff recommend that the town accept the lands in their current condition.
- Given the minor exceedance of the MECP standards, staff have prepared this report for Council's consideration, whereas if the lands were within the MECP standards, the lands would simply be conveyed to the Town.

BACKGROUND

On January 6, 2022, Plan of Subdivision and Zoning By-law amendment applications (24T-21009/1531 & Z.1531/03) were submitted to the town and deemed complete. On September 27, 2022, both applications were appealed to the Ontario Land Tribunal (OLT). Through collaboration, staff were able to resolve several issues initially highlighted through the appeals process, further staff received direction from Council to proceed with a settlement. As a result, a Recommendation Report on the Plan of Subdivision and Zoning By-law amendment applications (24T-21009/1531 & Z.1531/03) was not brought before Council. Typically, this matter would have been considered by staff and Council and addressed through a recommendation report. Therefore, staff have brought forward this report to advise Council and seek direction to obtain lands subject to the technical assessment report.

Through the subdivision application process, the town required conveyance of the Natural Heritage System (NHS) features that surround the site, including a large woodlot. As part of the conditions of approval for the applications, the woodlot (and the surrounding NHS) is to be re-naturalized and conveyed to the Town of Oakville. A pre-requisite to the conveyance of the natural area and woodlot was ensuring the lands were free from contamination and suitable for the proposed use.

The applicant has been working on clearing all conditions of approval and has submitted an environmental audit, prepared by a qualified professional, for review by the town's Transportation and Engineering department. The Environmental Audit identifies some soil contamination on site, as outlined below.

Location & Site Description

The Subject Property is located on the west side of Bronte Road, across from Saw Whet Boulevard. It is municipally known as 1300, 1316, 1326, 1342 and 1350 Bronte Road, and has a combined area of 12.12 hectares with a frontage of 434.5 metres. The Natural Heritage System (NHS) woodlot is 5.32 hectares in size, with a narrow open grassy area along the north edge of the woodlot.

Prior to the conveyance of the NHS woodlot to the Town of Oakville, several silvicultural measures will be undertaken. These forest improvement elements include the naturalization of the open grassy area and interior forest tree planting. There is also a defined trail along which and hazard trees will be removed or felled. Other conditions for the woodlot include installing a fence along a portion of the southern edge of the woodlot and the top-of-bank to the west, demolishing the building in the southern section of the woodlot, de-commissioning some trails and establishing a naturalized trail loop connecting the future residential subdivision to Bronte Road.

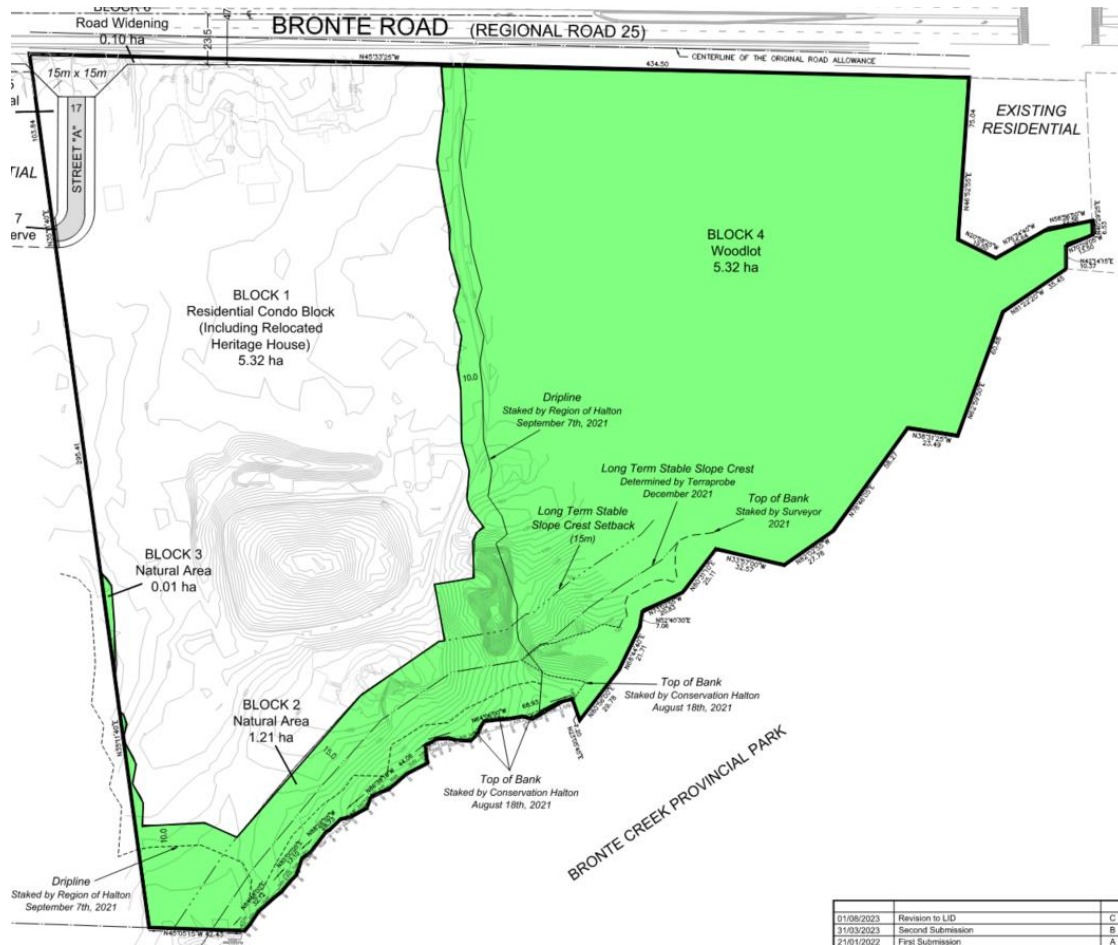


Figure 1 – Lands to be conveyed to the Town (shown in green)



Figure 2 – Future woodlot trail loop

TECHNICAL COMMENTS

Site Contamination / Environmental Due Diligence Risk Assessment Findings

Land conveyance to the town is subject to an environmental audit to determine if the land is suitable for its intended future use. If soil and/or groundwater contaminants exceed Ministry of Environment, Conservation and Parks (MECP) standards for the proposed use, further studies and remediation are typically required to bring contamination levels below MECP standards before conveyance.

The Natural Heritage System (NHS) woodlot is required to be conveyed to the town. Environmental Site Assessments revealed that the NHS woodlot meets MECP standards for the use of woodlot and naturalized areas, except for a localized area at the northeast edge of the woodlot, near Bronte Road. A pocket of slightly elevated pesticide concentrations was found only in the shallow soil (above groundwater level). The slightly elevated chemical is DDE (dichlorodiphenyldichloroethylene), a breakdown product of the pesticide DDT (dichlorodiphenyltrichloroethane) that was widely used in agriculture. These elevations are attributed to the former orchard, which ceased operations in the mid-1980s, located northwest of the woodlot. With no new source, the concentration is not anticipated to increase over time. The remnant pesticide is attached to soil particles, and it is not expected to travel to other area as it is poorly soluble in water. Therefore, there are no anticipated adverse effects to the river or aquatic life.

The root system of the forest edge trees has, over the years, had the opportunity to spread their roots northward without competition, so there is a high probability that there will be a lot of root systems around the edge of the woodlot. One of the remediation methods would be the removal of the impacted soil at the localized area. Traditional excavation could remove up to 50% of the root system, to the detriment of the trees. Alternatively, hydro excavation (hydrovac) can reduce the portion of feeder roots being removed, but it could not maintain all the feeding roots that nourish those edge trees of the woodlot. In turn, the soil removal would pose a risk of health decline for the large, mature, and desirable trees in the area. If those trees die at the edge, it increases the wind force into the woodlot, essentially removing the protection from the interior forested systems, which have less rooted systems and its ecological community.

An Environmental Due Diligence Risk Assessment (DDRA) was recommended to evaluate the potential risks and identify mitigation measures if needed. To ensure the scientific validity of the assessment, a peer reviewer was also engaged to review and comment on the DDRA report.

By considering the land use, possible receptors (human and ecological), exposure pathways and duration, and toxicity of the chemicals, the DDRA report established property-specific standards to ensure the proposed woodlot and naturalized area remain safe for human and ecological health. It concluded that, even without any risk management measures, the elevated concentrations in the soil are below these standards and do not pose a concern to the people working or visiting the land, which includes the maintenance of the woodlot, such as weeding, sodding, tree maintenance, planting, etc, and also do not pose a concern for ecological community in the area, including plants, animals and aquatic species.

The peer reviewer concurred with the assessment approach and the report's conclusions.

Since the DDRA did not recommend any risk management measures, there are no foreseeable long-term monitoring or mitigation costs to maintain the area as long as the land use remains unchanged. As the lands are within the woodlot, no land use changes are expected. Given the low risk to the town and the desire to avoid the negative consequences of remediation, staff recommend accepting the lands in their current condition.

Town staff will consider re-validating the findings of the risk assessment, periodically (e.g. every ten years) or upon any relevant regulatory updates in the future.

CONSIDERATIONS

(A) PUBLIC

The elevated concentrations in the soil will not present a potential risk to those working or visiting the land.

(B) FINANCIAL

The acceptance of the conveyance has no foreseeable long-term monitoring or mitigation costs for the management of the woodlot and would not result in additional liability to the Town due to the elevated pesticide concentrations in the soil.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Internal town staff and departments, includes were consulted in the preparation of this report. In addition, the Parks and Open Space department has reviewed the ESA and the DDRA, and recommends receiving the land. The Town's Forestry department will manage and maintain the woodlot going forward.

(D) COUNCIL STRATEGIC PRIORITIES

By protecting the integrity of the woodlot and its ecological community, it contributes to Council's strategic priority of Environmental Sustainability.

(E) CLIMATE CHANGE/ACTION

By maintaining the woodlot and re-naturalizing the dedicated land, it helps address climate change by sequestering carbon, supporting biodiversity, improving soil health, regulating temperatures and managing water resources.

Prepared by:
Jeffrey Lee, P.Eng.
Environmental Engineer
Transportation and Engineering

Prepared by:
Colin Westerhof, RPP, MCIP
Planner
Planning & Development

Recommended by:
Lily Lei, P.Eng.
Manager – Right-of-Way Management
Transportation and Engineering

Recommended by:
Paul Barrette, MCIP, RPP
Manager – Current Planning – West District
Planning & Development

Submitted by:
Paul Cripps, P.Eng.
Acting Director, Transportation and
Engineering

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning & Development