

# Grand River Conservation Authority

**Report number:** GM-03-23-22

**Date:** March 24, 2023

**To:** Members of the Grand River Conservation Authority

**Subject:** For consideration – Permit Application #148/23 – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation

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## **Recommendation:**

THAT Grand River Conservation Authority Permit Application #148/23 be approved.

## **Summary:**

The applicant (South Cambridge GP Inc.) is proposing to remove a portion of a wetland found to be contaminated and to create another wetland area at 840 and 940 Main Street East in the City of Cambridge (Figure 1). The proposed works will reduce the risk of human and ecological exposure and prevent further discharge to the natural environment. The applicant has also proposed voluntary wetland creation as an overall environmental and ecological benefit.

The Permit Application contained in this report does not conform to current Grand River Conservation Authority (GRCA) Policy, however, staff recommend approval of this application due to other factors in addition to the policy considerations, which the General Membership may wish to consider in reaching a decision on permit issuance.

## **Report:**

The applicant (South Cambridge GP Inc.) has identified the presence of contaminants that extend into approximately 0.1 hectares (0.25 acres) of a 0.28 hectare (0.69 acres) wetland, located at 840 and 940 Main Street East in the City of Cambridge (labelled Wetland 6 on Figure 1). The wetland contamination is due to historical dumping of metal drums, waste and debris. Based on an Environmental Site Assessment report submitted by the applicant in support of residential development, the contaminated soils have elevated concentrations of metals and petroleum hydrocarbons above the applicable Ministry of the Environment, Conservation and Parks (MECP) regulations and site condition standards and pose a potential risk to human and ecological receptors.

To reduce this risk and to prevent further discharge to the natural environment in accordance with the Environmental Protection Act, the contaminated material needs to be removed. As part of a site remediation strategy, the applicant is proposing to remove the contaminated soil from Wetland 6 (Figure 2), which is regulated by the GRCA under Ontario Regulation 150/06. Clean soil from within the same property will be placed in the excavated area to replace the contaminated soil and then replanted and naturalized as a buffer to the retained wetland area. As the excavation progresses, the soil will be monitored and sampled to determine if additional contaminated areas need to be remediated, so the extent of wetland removed may be greater than 0.1 hectares (0.25 acres). The applicant will continue to consult with GRCA staff to identify any further mitigation and restoration measures in the event that additional sections of the wetland needs to be removed.

The applicant is further proposing to create 0.19 hectares (0.47 acres) of wetland in an area to the north and adjacent to the retained wetland, which also requires a permit from the GRCA (Figure 3).

## Permit Approval Process

As a result of changes made in 2011 to Ontario Regulation 97/04, the ability to delegate permit approval to GRCA staff was granted. The General Membership authorized staff on May 25, 2012 (Resolution 30-12) to issue permits which meet Board approved policies. Revisions to the GRCA By-law and permit approval process were approved by the General Membership on June 12, 2012 to enable this delegation.

Currently, a review of applications that meet GRCA policies is undertaken and are recommended for approval to the Chief Administrative Officer. Permit applications that do not meet policy can either be presented to the General Membership for their consideration where staff recommend approval or a hearing is scheduled where staff recommend refusal.

The criteria for a permit that is presented to the General Membership for their consideration includes an application that:

- 1) is not covered by an approved Authority Policy,
- 2) has factors in addition to the policy considerations which should be considered, or
- 3) precedes a decision or settlement of a legal proceeding or tribunal

The wetland removal component of the permit application for development activities at 840 and 940 Main Street East in the City of Cambridge does not meet policy. However, it is being recommended for approval by staff due to other factors. The proposed wetland creation does meet policy.

## **Wetland Policy Review**

GRCA's Policies for the Administration of Ontario Regulation 150/06 cannot be fully satisfied in support of this permit. Specifically, Policy 8.4.4 – Development within a naturally occurring wetland less than 0.5 hectares (1.24 acres) may be permitted where it can be demonstrated that the wetland is not:

- a) part of a Provincially Significant Wetland,
- b) located within a floodplain or riparian community,
- c) part of a Provincially or municipally designated natural heritage feature, a significant woodland, or hazard land,
- d) a bog, fen,
- e) fish habitat,
- f) significant wildlife habitat,
- g) confirmed habitat for a Provincially or regionally significant species as determined by the Ministry of Natural Resources and Forestry or as determined by the municipality,
- h) part of an ecologically functional corridor or linkage between larger wetlands or natural areas,
- i) part of a groundwater recharge area, or
- j) a groundwater discharge area associated with any of the above.

While the proposed application satisfies some of the policy, subsections c), f), g), i) and j) are not satisfied. The wetland and surrounding woodland have been identified as a municipally designated natural heritage feature (Core Environmental Feature – Region of Waterloo Greenland's System and Natural Open Space – City of Cambridge Natural Heritage System). Based on a scoped Environmental Impact Study submitted by the application, it also contains

significant wildlife habitat, habitat for regionally significant species and provides recharge and discharge functions.

Although the wetland removal does not meet GRCA policies, staff are recommending approval due to other factors, particularly the need to minimize the risk of human and ecological exposure to contaminants, the opportunity for remediation of the site and that both the Region of Waterloo and City of Cambridge staff are supportive of the proposal.

**Financial Implications:**

Not applicable.

**Other Department Considerations:**

Not applicable.

**Prepared by:**

John Brum  
Resource Planner

Melissa Larion  
Supervisor of Resource Planning

**Approved by:**

Beth Brown  
Manager of Engineering and Planning Services