




# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	April 10, 2026
<b>SUBJECT:</b>	Safari Road Petition for Drainage Works - Project Update (HW2602)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>SUBMITTED BY:</b>	Deborah Goudreau Acting Director, Water & Wastewater Operations Public Works Department
<b>SIGNATURE:</b>	

## Information

This Communication Update provides Council with an update on the Safari Road Petition to establish a Municipal Drain.

## Background

Due to the historical and ongoing flooding of Safari Road between Kirkwall Road and Valens Road in Ward 13, the City's Transportation Division petitioned - under the *Drainage Act, R.S.O. 1990, c. D.17 (Drainage Act)* for the establishment of a municipal drain. Council subsequently approved the recommendations of the Preliminary Engineer's Report as brought forward in Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) and directed that a full Engineer's Report be prepared.

## Emergency Request

Recognizing the need posed by recurring flooding and the resulting road closure of Safari Road, the City's appointed Engineer, Robinson Consultants Inc., submitted a request for Emergency Work under Section 124 of the *Drainage Act* to permit controlled lowering of water levels in advance of full drain construction. On July 16, 2024, the Minister of

Agriculture, Food and Agribusiness denied this request, citing lack of statutory authority since the drainage channel had not yet been formally incorporated as a municipal drain.

### **Design Development and Regulatory Review**

The appointed Engineer finalized the design and submitted a draft Engineer's Report in October 2025 to Fisheries and Oceans Canada (DFO), the Grand River Conservation Authority and the Ministry of Environment Conservation and Parks for formal environmental review. Following this submission DFO advised that the proposed works require DFO authorization pursuant to *paragraph 34.4(2)(b) and paragraph 35(2)(b) of the Fisheries Act, R.S.C. 1985, c. F-14 (Fisheries Act)*. The process to receive DFO authorization for these types of projects requires an application and submission of all necessary environmental documentation to meet the requirements of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations, SOR/2019-286*, under the *Fisheries Act*.

### **Next Steps**

The appointed Engineer has recommended onboarding an environmental subconsultant to support completion of the DFO authorization application. Submission for DFO authorization is anticipated in May 2026. Regulatory review is expected to take three to four months, with feedback anticipated by Q3 or Q4 of 2026.

After this regulatory review is complete and the Engineer's report is updated to reflect the comments of the agencies, Hamilton Water will host another community meeting to present the municipal drain design and gather community feedback. Following this, the appointed Engineer will prepare the final Engineer's report and secure all necessary agency approvals, as required under the *Drainage Act*. It is expected that the Engineer's report will be presented to Council in August 2027.

Should Council decide to proceed with the establishment of the municipal drain, Council provisionally adopts the report by by-law, and the City Clerk issues notice to the affected landowners within five days. Under the Drainage Act, this notice then begins the appeal process. This includes a Court of Revision hearing 20 to 30 days after notice is sent for assessment appeals, and a 40-day appeal period for legal or technical appeals. Following the appeal period, Council may give final reading to the by-law authorizing the work. If no appeals are filed, construction of the municipal drain could be tentatively scheduled for spring 2028.

A related Municipal Class Environmental Assessment (Class EA) is underway for Safari Road to develop companion road improvements required to achieve a reasonable degree of flood resiliency and ensure the safety of road users. The Class EA improvements are

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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being developed on the premise that the municipal drain is established. While the municipal drain alone will not fully resolve the flooding issues on Safari Road, the municipal drain is an essential precondition for the feasibility and design of the Class EA improvements. Accordingly, any delays in the implementation of the municipal drain will result in corresponding delays to the rehabilitation and reopening of Safari Road.

**Budget**

The City is responsible for the upfront costs associated with the preparation of the Engineer's Report. Costs for the Engineer's Report are still forecast to remain within the engineering roster limit, as outlined in Report PW22070(a). Department ID No. 427400 is confirmed to have sufficient budget to cover this engineering assignment.

In accordance with the *Drainage Act*, the Engineer's Report that will be provided to Council for consideration will include the estimated cost of the recommended drainage works, together with an assessment schedule setting out how applicable costs are to be apportioned among the affected properties in the watershed area. While the City funds the engineering assignment up front, the cost of the Engineer's Report and, if Council proceeds, the cost of implementing the recommended works are ultimately subject to apportionment in accordance with the assessment schedule contained in the Engineer's Report.

**Consultation**



Road Authority - Peter Sniuolis, Manager Roadway Maintenance  
Infrastructure Programming - John Kukalis, Senior Project Manager  
Legal Services - Stefanie Navascues, Solicitor  
Corporate Services - Wendy Paterson, Business Administrator

**Appendices and Schedules Attached**

Safari Road Petition for Drainage Works Request for Full Engineer's Report  
(PW22070(a)) (Ward 13)



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Hamilton Water Division**  
**and**  
**Transportation Division**

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	November 13, 2023
<b>SUBJECT/REPORT NO:</b>	Safari Road Petition for Drainage Works Request for Full Engineer's Report (PW22070(a)) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Donald Young (905) 546-2424 Ext. 1090 Peter Sniulis (905) 546-2424 Ext. 7646 Hector Quintero (905) 546-2424 Ext. 5087
<b>SUBMITTED BY:</b>	Shane McCauley Director, Water and Wastewater Operations Public Works Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Carolyn Ryall Director, Transportation Public Works Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- a) That the Preliminary Report under Section 10(1) of the Drainage Act, RSO, 1990 c.D.17 ("the Drainage Act"), prepared by Robinson Consultants, appointed Drainage Engineer under Section 8(1) of the Drainage Act, RSO, 1990 c.D.17., be accepted and approved; and
- b) That the General Manager, Public Works or designate, be authorized to instruct Robinson Consultants to prepare a full Engineer's Report as per Section 10(5) of the Drainage Act, RSO, 1990 c.D.17.

## **EXECUTIVE SUMMARY**

Report PW22070 resulted in the preparation of a Preliminary Report, attached as Appendix "A" to Report PW22070(a), which has been completed under the provisions of the Drainage Act, R.S.O. 1990, c. D.17 (Drainage Act). This report assessed three main drainage solutions, which include extensive ditching along either side of the road as well as utilizing the existing drainage path. Due to physical limitations of the area the recommended solution is to restore flow utilizing the existing drainage path by removing flow impediments such as sediment, vegetation, berms and dams.

As outlined in Section 8.1 on page seven (7) of Appendix "A, a full Engineer's Report is now recommended in accordance with the Drainage Act. Report PW22070 seeks authorization to direct Robinson Consultants to prepare the full Engineer's Report.

### **Alternatives for Consideration – See Page 4**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The City is responsible for the costs associated with having the appointed Engineer complete the full Engineer's Report which are expected to be well within the roster limit of \$150,000. Department ID No. 427400 has sufficient budget to cover this engineering assignment.

The estimated cost of implementing the recommended solution is approximately \$200K. The Engineer is responsible for assessing the benefit to each landowner including the City and then assigning an appropriate cost to each landowner in proportion to the benefit they receive. There are opportunities for any landowner to appeal the process. Should the Municipal Drain not be established, the costs associated with the work of the Engineer would be fully born by the City as the original petitioner.

**Staffing:** N/A

**Legal:** Under the Drainage Act Section 10(5), Council is required to decide whether or not to instruct the appointed Engineer to proceed with the preparation of the full Engineer's Report. A decision not to proceed may result in the end of the petition process and associated work. Any petitioner may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal and the Tribunal may direct that Council take such action as the Council is authorized to take under the Drainage Act and as the Tribunal considers proper.

## **HISTORICAL BACKGROUND**

Due to ongoing flooding issues on Safari Road between Kirkwall Road and Valens Road in Ward 13, the City's Transportation Division petitioned for a municipal drain to improve drainage in this area and alleviate persistent flooding that compromises the safety of the road, forcing road closures for extended periods. This petition was received by Council at its meeting of May 11, 2022 and referred to the Public Works Committee for the preparation of a joint report by the Transportation and Hamilton Water Divisions. Report PW22070 was subsequently received and approved by Council at its meeting of August 12, 2022.

The historical background of the drainage issues on Safari Road which led the Transportation Division to submit the petition is included in report PW22070, which resulted in Robinson Consultants being appointed as the Drainage Engineer under Section 8(1) of the Drainage Act. The appointed Drainage Engineer was instructed to complete a Preliminary Report under Section 10(1) of the Drainage Act.

The Drainage Engineer completed a survey of the area to evaluate potential causes of flooding on Safari Road, such as water blockages, channel constraints, culverts, and landform limitations. A community meeting was held at the Valens Community Centre on May 9, 2023, where initial findings were shared, and residents were given a chance to provide feedback before finalizing the Preliminary Report.

The Drainage Engineer then finalized the Preliminary Report, attached as Appendix "A" to Report PW22070(a). This report assesses three alternative drainage solutions, with Option 3a - Partial Drainage - Drainage Act identified as the preferred solution to proceed with for the municipal drain petition.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

A Public Consultation meeting was held on May 9, 2023, at Valens Community Centre to discuss the Safari Road Petition, including the recommendations in the Preliminary Report. Nine residents filled out the sign in sheet.

In addition, the following agencies have provided comments on the Preliminary Report:

- Ministry of the Environment, Conservation and Parks
- Grand River Conservation Authority

The following City of Hamilton groups have also been consulted in the development of the Preliminary Report:

- Transportation Division
- Hamilton Water Division
- Engineering Services Division
- Legal & Risk Management Services

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Council approved the petition for Drainage Works on Safari Road and directed a Preliminary Report to be completed as recommended in PW22070.

It is Council's role to choose whether to proceed or not with the recommendations in the Preliminary Report and appoint an Engineer to proceed with completing the full Engineer's Report.

The rationale for recommending proceeding with the full Engineer's Report on a partial drainage solution, is found on pages four through seven of Appendix "A" to Report PW22070(a).

In summary, the drainage routing options analysed included roadside ditching on both the North and South sides of Safari Road (Options 1 and 2), and enhancing flow along the current natural flow-path (Option 3) which runs through Provincially Significant Wetlands. Due to the height of the surrounding lands, Options 1 and Option 2 were ruled out as a viable solution, leaving the option to utilize the existing drainage path. Due to the limitations in excavating and creating a fully constructed channel through the Provincially Significant Wetlands, Option 3a - Partial Drainage – is being recommended. This option removes existing blockages such as sediment, beaver dams, vegetation, and berms which are understood to be the main factors contributing to the current flooding issues. By establishing a Municipal Drain along this drainage path, it allows the City to perform maintenance activities to maintain baseline flows. The City currently has no authority to perform or enforce such maintenance activities on these private lands.

Robinson Consultants is recommended to prepare the full Engineer's Report as they are retained under scope specifically for work under the Drainage Act in Roster Category #9 Stormwater Management/ Water Resources Engineering (C12-13-21 - Professional and Consultant Services Roster for the City of Hamilton 2022-2024).

The recommendations in this report, PW22070(a) only require the City to proceed with the full Engineer's Report. This full report will further detail the engineering specifications, develop an assessment schedule and outline expected operation and

maintenance activities associated with the recommended Partial Drainage solution (3a) contained in the Preliminary Report.

Upon the completion and filing of the full Engineer's Report, there is a prescribed process under the Drainage Act by which the petitioners, the affected landowners, Conservation Authorities and Council have an opportunity to formally review the report. This process allows for formal appeals before the report is ultimately adopted under a new by-law and any construction could occur.

### **ALTERNATIVES FOR CONSIDERATION**

Council could choose to not instruct the Engineer to proceed with the preparation of the full Engineer's Report meaning that drainage solutions cannot be achieved via the Drainage Act. This would end the petition process and the potential creation of a Municipal Drain. This alternative is not recommended as the City will need to find an alternative solution to the existing drainage issues on Safari Road. This decision would also be subject to appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PW22070(a) – Preliminary Report, Safari Road Municipal Drain