

At this time, Councillor MacKay requested that Staff advise Council on the PUD and the alternatives available to Council as the PUD before Council tonight is a great deal different than those Council has entered into in the past.

Mr. Birch advised that if Council approved the Development, they would be authorizing Staff to prepare the detailed Planned Unit Development Agreement which would be brought back for Council's approval. In other words, Council would be approving the land-use subject to the detailed tie-ins with the Departments of Health and Environment, etc.

Councillor MacKay questioned whether Council would then be entering into something in principle.

Mr. Cragg responded advising that all Council would be doing this evening, if it votes affirmatively, is instructing staff to commence negotiations and subsequently drafting up an agreement. It then has to come back to Council for final approval and passage and a motion of Council to execute the document. Council may decide after reviewing the document to have another Public Hearing.

Councillor MacKay questioned Staff as to whether a Regional Development Permit would be required, if a PUD Agreement is entered into.

Mr. Birch advised that this would depend on the decision of the Department of Municipal Affairs. He indicated that he had been advised by Mrs. Cartledge that in her discussions with the Department, it is eligible for a Regional Development Permit which means that if it meets the criteria of the Regional Development Plan then the Permit will be issued and amongst those are the acquiescence of the Departments of Health and Environment amongst other things.

Councillor MacKay then indicated his understanding that with or without a PUD Agreement, a Regional Development Permit still has to be applied for which Mr. Birch advised this was correct.

Mrs. Cartledge added to this that the Proposal was sent to Municipal Affairs from the Applicant and they have reviewed it and advised that the Proposal as it stands right now is eligible for a Regional Development Permit. She advised that with other developments, this has meant to staff that if they apply for the same thing that was reviewed, that they would receive it.

Councillor Wiseman referred to Mr. Birch's statement, that if Council approves the PUD tonight then Council is approving the land-use. She requested that he clarify this statement.

Mr. Birch explained that his understanding, is that if Council grants approval tonight it would be to the land-use. Council would not be approving in principle, but would be approving the development and it will get approval from Council if the detailed approvals are given from the Departments of Environment and Health. He advised that there were other approvals required but that Health and Environment would be the principle approvals required.

Councillor Wiseman questioned then that if Council authorized the negotiation of the PUD , and approved it the land would be industrial land, would this mean that from hence forth that land is deemed to be zoned industrial.

Mr. Birch advised that by approving the land-use, Council would be saying that the use is acceptable subject to it meeting performance criteria which are determined by the Departments of Health and Environment. If it does not meet those criteria then that is the end of the matter; if it does meet the criteria, then the completed Agreement will be brought back to Council for re-affirmation and the Warden and Clerk would be authorized by Council to sign the Agreement.

Councillor DeRoche indicated his understanding that a Regional Development Permit will be required by the Proponent whether he does or does not have a PUD Agreement. He then indicated that during the Public Hearing, it had been inferred that the Developer was attempting to obtain his PUD in order to facilitate the receipt of his Regional Development Permit. He questioned Planning Staff as to whether there was any relevancy to that claim.

Mrs. Cartledge advised that the Regional Development Permit would be totally independant of any Contract the Municipality would negotiate. However, Mr. Birch advised that many of the approvals required for the PUD are also required for the Regional Development Permit, so it may be that once the outstanding approvals of Health and Environment are complete it will enable the PUD to be finalized and may also enable the Department of Municipal Affairs to issue their Permit as well.

Councillor DeRoche then questioned Mr. Birch as to whether the Proponent has a legal right to establish a Quarry on their site along the Rocky Lake Drive, with or without a PUD Agreement, to which Mr. Birch indicated this was his understanding that the Proponent could go ahead under the Metalliferous Mining and Quarries Act.

Councillor Reid questioned Solicitor Cragg if, having approved the land-use and authorizing Staff to proceed with preparation of Agreement, Council would then be duty bound to accept the Agreement.

Solicitor Cragg advised that Council was not duty bound to accept the Agreement but that this would strictly be up to Council; Council can, if it so desires, call for another Public Hearing or a series of Public Hearings.

MOTION AND DISCUSSION OF COUNCIL

It was moved by Councillor Snow, seconded by Councillor McInroy:

"THAT the Planned Unit Development Agreement No. 1-82-14 for the Proposal of Metro Aggregates Limited for a Rock Crusher Quarry at Rocky Lake Drive in Waverley be rejected by the Council of the Municipality of the County of Halifax."

Councillor Deveaux supported the above motion, based on the fact that the proposed Operation would present environmental and other hazards, which would dictate that it be placed in a different location than proposed. He also felt that as Waverley already had two Rock Crushers and Quarries, they did not need another one.

Councillor Snow spoke at length in support of his motion; he advised that he had gone to Fredericton and had taken photographs of the huge dust-bowl there, which is the Quarry owned by the Parent Company of Metro Aggregates, Diamond Construction. He advised as well that he had read the 400 letters from Waverley Residents. Councillor Snow advised that the most precious resource in Waverley was the residents who deserved Council's protection against the potential health hazards and environmental ruin which would be brought on by the proposed development. He indicated that the people of Waverley have the right to plan their own community. He advised that corporations come and go in the County but the people remain and form the backbone of the Municipality. He requested that Council support the people of Waverley by supporting his motion of rejection of the Metro Aggregates Proposal.

Councillor McInroy supported the above motion as he felt that the opinions of the residents of Waverley relative to what was in the best interest of Waverley, was also in the best interest of the entire Municipality.

Councillor Lichter also supported the above motion based on the sincerity of the writers of the 400 letters from the residents of Waverley. He felt that whether the potential hazards of the Operation were valid or not, these 400 people perceive it to be true; therefore, to maintain the peace of mind of these citizens of the Municipality, he supported Councillor Snow's motion of rejection of the proposal.

Councillor Baker was in support of the above motion as well based on the factor of the potential pollution of the environment. This issue, he advised, was close to him due to the pollution in the Herring Cove area.

Other Councillors who spoke in favour of Councillor Snow's motion were Councillor DeRoche and Councillor Larsen.

However, it was felt by Councillor MacKay and Councillor MacDonald that the best interest of the residents of Waverley would be served through the protection which would be offered by the Planned Unit Development Agreement, which would then institute Municipal Controls on the Operation, as opposed to an Operation which could go ahead without the PUD and without Municipal Control. Therefore, both Councillor MacKay and Councillor MacDonald indicated their opposition to the motion placed on the floor by Councillor Snow and seconded by Councillor McInroy.

Subsequent to the above discussion, the question was called on the motion.

It was moved by Councillor Snow, seconded by Councillor McInroy:

"THAT the Planned Unit Development Agreement No. 1-82-14 for the Proposal of Metro Aggregates Limited for a Rock Crusher Quarry at Rocky Lake Drive in Waverley be rejected by the Council of the Municipality of the County of Halifax."
Motion Carried.

The above motion was carried by a vote of 12 to 8.

ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Gaetz:

"THAT the Public Hearing adjourn."
Motion Carried.

Therefore, there being no further business, the Public Hearing adjourned at 10:50 P.M.

**PUBLIC HEARING
COBEQUID INDUSTRIAL PARK**

AUGUST 22, 1983

PRESENT WERE: Deputy Warden Margeson, Chairman
Councillor Walker
Councillor Poirier
Councillor Larsen
Councillor Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Gaetz
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman
Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. Keith Birch, Chief of Planning and Development

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING

The Deputy Warden brought the Public Hearing to order at 7:10 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Meech called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor MacDonald, seconded by Councillor DeRoche:

"THAT Christine E. Simmons be appointed Recording Secretary."
Motion Carried.

PUBLIC HEARING

Deputy Warden Margeson outlined the procedure to be followed for the Public Hearing, advising that subsequent to a Staff Presentation, which can be questioned by Councillors, those Speakers in Favour of the Application will be asked to come forward, then those in Opposition. Subsequent to that, Council will make its decision.

SOLICITOR'S COMMENTS

Prior to the commencement of the Staff Presentation, Solicitor Cragg advised Council that there were a number of Councillors who would be unable to vote on the issue of the Planned Unit Development Agreement.

To substantiate this statement Mr. Cragg quoted from "Rogers", a legal guide, which indicated that those Councillors who have not heard the entire argument cannot vote on the issue.

This statement initiated lengthy debate in Council. The following points were made in opposition to the above statement:

1. This evening's Public Hearing was not a continuance of the previous Public Hearing but was a new Hearing dealing with only three specific items:
 - a) Establishment of a Monitoring Board inclusive of Residents of the Area;
 - b) Holding Tanks;
 - c) Storm Water Management.
2. All Councillors could not possibly have heard the entire argument beginning in 1981 as there has been an election since that time;
3. The delay in the Application was due to the Environmental Control Council and not Halifax County Council.
4. It was pointed out that if Mr. Cragg's position was correct, then Councillor Snow, the representative of Area in question, would not even be permitted to vote; this was thought to be absurd.

Solicitor Cragg advised that the following Councillors would be unable to vote on the issue but he did not feel they would be precluded from participation in the Public Hearing:

1. Councillor Larsen;
2. Councillor DeRoche;
3. Councillor McInroy;
4. Councillor Bayers;
5. Councillor Snow;
6. Councillor Mont;
7. Councillor Reid.

This issue was hotly debated in Council for some time resulting in the following:

It was moved by Councillor Mont, seconded by Councillor Snow:

"THAT there be a ten minute recess of Council."
Motion Carried.

During the recess Councillors met with Solicitor Cragg to discuss this issue.

Subsequent to bringing the Public Hearing back to Order, the Deputy Warden, Chairman, advised that the discussion of this item would be limited to three items: Monitoring Board, Holding Tanks and Storm Water Management. This, he advised, would entitle all Councillors present to participate in the discussion and to vote on these above issues.

STAFF REPORT

Mr. Keith Birch and Mrs. Dorothy Cartledge approached Council to outline their Staff Report and Recommendations. They first read to Council the Synopsis of Applicable Environmental Control Council Recommendations as follows:

- 5.1 No on-Site waste disposal systems shall be permitted in the Industrial Park area;
- 5.2 Waste Water Treatment Plant;
- 5.3 Diversion of drainage away from Muddy Pond;
- 5.4 Retention Ponds - 5 days capacity for 1:50 year storms;
- 5.5 Minimum land clearance;
- 5.6 Roads parallel;
- 5.7 No curbs;
- 5.8 Rapid reseeding and resodding;
- 5.9 Maximum excavation 0.5 acres; (at a time)
- 5.10 Monitoring Board;
- 5.11 Performance Bond to extend to tenants - occupiers.

Mr. Birch advised that from the Applicant's point of view no. 5.2 above, waste water treatment plant, is not acceptable. It would be the recommendation of the Planning Department that Holding Tanks be used and that the waste contained therein be disposed of in the Sackville System.

Mr. Birch then advised that the Applicant is agreeable to all other conditions of the Environmental Control Council. Mr. Birch, however, indicated his own concern relative to the Monitoring Board; he felt that the Shubenacadie Lakes Advisory Board could adequately monitor the water quality surrounding the site and through the Shubenacadie Lakes and Rivers System.

He further advised that the Departments of Environment and Health all agree that septic tanks are viable; however, the Department of Environment has not provided this opinion in written form.

Dorothy Cartledge then reviewed, for Council's information all past motions relative to the Cobequid Industrial Park as follows:

June 29th to July 2nd, 1981

It was moved by Councillor Topples, seconded by Deputy Warden Deveaux:

"THAT Council defer its decision regarding the proposed Cobequid Industrial Park, pending recommendation from the Nova Scotia Environmental Control Council and that the Environmental Control Council be requested to carry out its study of the Environmental Impact of the Park with all due haste.

January 19th, 1982

It was moved by Councillor Benjamin, seconded by Councillor Lichter:

"THAT the Municipality approve, in principle, the proposed Cobequid Industrial Park, Planned Unit Development Agreement, subject to changes 1, 3, 4, 5, & 6, as recommended at the previous Public Hearing and subject to Council's receipt, not later than April 20, 1982, (90 days), and consideration of the recommendations of the Environmental Control Council."

(Recommendation 2 concerned the interchange).

July 5th, 1983

It was moved by Councillor Lichter, seconded by Councillor Gaetz:

"THAT a Public Hearing be held August 15, 1983 (subsequently changed to August 22, 1983) to deal with PUD Agreement No. 3-79-14, Cobequid Industrial Park, Cobequid Road, Halifax County, N.S. on the condition that Item 2, page 2, concerning tenders for an interchange, be deleted from the agreement, and that a clause be added to the agreement establishing a Monitoring Board for the Park which would include residents of the area and further on the condition that discussion be limited to: 1) Holding Tanks; 2) Storm Water Management."

Mrs. Cartledge then reviewed the summary of the Previous Public Hearing as contained in the written Staff Report to Council as follows:

"On June 29 and July 2, 1981, a public hearing was held on the proposed Planned Unit Development Agreement. On the basis of the conditions contained in the PUD Agreement and its Appendices, the Department of Planning and Development recommended that County Council approve the Agreement subject to the following changes:

1. That the Agreement stipulate that the area designated for residential development be developed through the Planned Unit Development By-Law.
2. That no industries be allowed to locate within the area designated for industrial development until tenders are signed for construction of the interchange at the intersection of the Cobequid Road and Highway No. 102 (Bicentennial Highway).
3. That a restricted use clause as outlined be included as Section 2 (d) of the Agreement:
 - 2 (d) Notwithstanding any provision of the Planned Unit Development Agreement or Appendix thereto, the lands affected by this Agreement shall at no time be used for quarrying, rock crushing or any other activity associated with the operation of a gravel pit or rock quarry.

4. That Section 6 (a) of the Planned Unit Development Agreement read:
 - 6 (a) The Developer shall be responsible for monitoring the various parameters noted in the Impact Study to the standards of the Department of the Environment to ensure that the immediate environment is not affected during the development of the industrial park, and for making the results of the monitoring program available to the Nova Scotia Department of the Environment.
5. That the blasting charges be limited to a maximum of 100 pounds total load. (Page 23, Appendix "C").
6. That the industrial development be restricted by the height of land. (Page 25, Appendix C).

In his closing statement to Council, the applicant's solicitor, Mr. Ron Pugsley indicated that his client was willing to accept all of the recommendations of the Planning Department with the exception of No. 2 which was considered to be excessively restrictive.

Following a lengthy discussion by County Council and several amended motions, the following motion was carried:

It was moved by Councillor Topples, seconded by Deputy Warden Deveaux:

"THAT Council defer its decision regarding the proposed Cobequid Industrial Park, pending recommendation from the Nova Scotia Environmental Control Council and that the Environmental Control Council be requested to carry out its study of the Environmental Impact of this park with all due haste."

Subsequent to this decision, on July 10, 1981, a letter was forwarded to the Honourable Fisher Hudson, Minister of the Environment requesting that the matter be forwarded to the Environmental Control Council and that the Environmental Control Council proceed with all due haste in reaching a decision on the matter."

Mrs. Cartledge then proceeded to review with Council, and for the benefit of those in the Council Chambers, the Agreement, which detailed the following items:

1. Definitions;
2. Land Use Zoning;
3. Minor Variance;
4. Major Variance;
5. Commencement of Work and Rate of Development;
6. Environmental Quality;
7. Highways;
8. Permits;
9. Removal of Material;
10. Blasting;
11. Water and Sewage Disposal Systems;
12. Storm Water Control;

13. Buffer Areas;
14. Quality of Architectural Design;
15. Public Land;
16. Fire Protection;
17. Monitoring Board;
18. Conflicts;
19. Breach of Agreement;
20. Costs of Documents;
21. Arbitration;
22. Construction Bond;
23. Environmental Protection Bond;
24. Future Residential Development;
25. Assignment of Agreement.

Please refer to Agreement for details of the above items. However, of most significance were the following:

Environmental Quality

6. (a) The developer shall be responsible for monitoring the various parameters noted in the Impact Study to the standards of the Department of the Environment, to ensure that the immediate environment is not affected during the development of the industrial park, and for making the results of the monitoring program available to the Nova Scotia Department of the Environment.
- (b) In the event that unforeseen environmental disturbances such as, but not limited to, erosion of soil, siltation of streams, flooding of lands to be used for development, and contamination of ground and surface water, occur, or the conditions and standards set out in the Impact Study are not met, the County, on request by the Nova Scotia Department of the Environment may, in writing, demand the developer to immediately stop development in the area affected until such disturbances are eliminated or alleviated.
- (c) In particular, if the levels of arsenic indicated in the test program or present in the surface runoff from the site are in excess of those permitted by the Department of the Environment, the Developer shall, upon written request from the Department, immediately cease all excavation operations in the area of the arsenic contamination, until the problem has been rectified to the satisfaction of the Department of the Environment.

Highways

7. All accesses, roads and railway crossings shall be constructed and located in conformity with the standards of the Nova Scotia Department of Transportation, CN Rail and the Canadian Transport Commission.

Water and Sewage Disposal Systems

11. (a) Water and Sewage disposal systems shall be provided as indicated in the Impact Study, to the standards of the Department of Health, the Department of the Environment and the County, and the necessary approvals will be obtained from these agencies before construction of the development is commenced.
- (b) Where holding tanks are permitted by the Department of Health, the Department of the Environment and the County as the preferred means of sewage collection, the use of such a system shall only be permitted under the terms of a Waste Water Management District By-Law, and in a manner satisfactory to the Director of Engineering and Works for the Municipality.

Storm Water Control

12. Construction standards necessary to control storm water runoff shall be dealt with in the manner recommended by the Director of Engineering and Works for the County and the Environmental Control Council in a report entitled "Report and Recommendation to the Minister of the Environment on the Public Hearing on the proposed Cobequid Industrial Park" and dated July 10, 1982 and attached hereto as Appendix "D".

Monitoring Board

17. The Cobequid Industrial Park Monitoring Board shall be established as per the recommendation of the Environmental Control Council in Section 5.10 of a study entitled "Report and Recommendations to the Minister of the Environment on the Public Hearing on the Proposed Cobequid Industrial Park" and dated July 10, 1982 and attached hereto as Appendix "D".

Breach of Agreement

19. In the event the County reasonably considers the Developer in breach of this Agreement, it may give notice in writing of such breach, whereupon the Developer shall correct such breach as soon as practicable, and where the breach is of a serious nature, may require the Developer to stop work (except insofar as the work is directed to correcting the breach complained of). Where the breach complained of adversely affect some other aspect of the development and the Developer neglects or refuses to correct the breach upon written notice or to do as soon as is practicable, the County may charge the costs for so doing to the Developer, who agrees to compensate the County for such costs.

Environmental Construction Bond

23. The Developer, prior to any construction, shall furnish the County a valid surety bond issued by a surety company qualified to do such business in the Province of Nova Scotia, and acceptable and

satisfactory to the County, which bond shall be conditioned to insure the faithful and full performance by the Developer of the terms of Item 6 of this Agreement, and to stand as security for the payment by the Developer of any valid claim by the County against the Developer for breach of the terms of Item 6.

The amount of the bond shall be determined on the basis of area of "land under construction" where "land under construction" is defined as follows:

- (1) For construction of roads and services "land under construction" will normally be the land within the road rights-of-way. Where there is construction outside rights-of-way, "land under construction" will be land disturbed by such construction.
- (2) For construction by the purchaser of property within the park, "land under construction" will be the area of property for which a building permit is issued.

In either case, the area of "land under construction" will be the areas of property for which a building permit is issued.

The amount of the bond will be \$5,000 per acre of "land under construction", with a minimum value of \$50,000. which surety bond shall be maintained and kept by the Developer in full force and effect during each phase of development and it shall be in effect until the construction is completed and approved by the Department of the Environment.

Subsequent to the above review of the Planned Unit Development Agreement, Mr. Birch addressed the issue of On-Site Sewage versus Holding Tanks. He advised that according to the Department of Environment, the Department of Health and the Engineering and Works Department, on-site sewage would be preferable; however, holding tanks would also be acceptable.

Mr. Birch then advised that both Mr. Willard D'Eon of the Department of Health and Mr. Ed Wdowiak of the Municipality's Department of Engineering and Works were present in the Council Chambers and would be able to answer any questions Council may have relative to the disposal methods.

Councillor MacDonald advised that his experience with septic tanks over the past couple of years has been extremely negative; he indicated his opinion that it would be safer to go with Holding Tanks.

Councillor Mont requested that Mr. Wdowiak come forward and give his opinion relative to disposal methods for the proposed Park.

Mr. Wdowiak approached Council and reviewed a memo relative to this issue, which he had sent to Mr. Keith Birch. This memo read:

"After the report and recommendations of the Environmental Control Council were forwarded to the Minister of the Environment, the Consultant for the proposed Cobequid Industrial Park has proposed the use of holding tanks within the development for sanitary sewage. It would be the responsibility of the Industrial Park to have this sewage transported and discharged into the Bedford-Sackville sewerage system, in a condition acceptable to the Municipality. The point of discharge would have to be acceptable to the Municipality, and the cost of disposal to the Industrial Park would have to be negotiated.

Although the ECC decision did not include holding tanks as an option, this method of sanitary disposal would have no discharge from the site, with effluent being transported away from the site, and hence no environmental concerns would result.

...acceptance of sewage for disposal at Mill Cove from areas outside the serviceable area is precedent setting, and Council has been advised that reductions of the serviceable area could be anticipated. Council must allow staff to carry out the monitoring of the condition of the sewage, arrange for the construction of the receiving tank, washdown facility and metering capabilities at a location determined to be appropriate, with recovery of expenditures from the Industrial Park to be negotiated.

After a meeting with representatives of the Department of Health, the Department of the Environment and the Consultant, it appears that On-Site septic tank and disposal field method for sanitary sewage disposal is the preferred method. Although contrary to the ECC decision, the septic tank disposal method is a viable option. Design would be based on results of percolation tests and usage as determined by the requirements of the Department of Health."

Councillor Mont indicated that his major concern with the Septic System approach is that there could be problems if the system is not properly maintained.

Mr. Wdowiak agreed that problems have been experienced in Sackville.

Councillor Mont questioned whether the Municipality could designate the Cobequid Industrial Park a waste water management district, which would give the Municipality authority to ensure that everything is kept up to standard, and charge the Developer all the costs associated with this.

Mr. Wdowiak advised that this would ensure that the system is operated by the Municipality and he felt that it could be effectively done. However, he advised that Mr. D'Eon of the Department of Health would be better able to give his views on that issue.

Councillor Snow indicated his understanding that the Environmental Control Council was opposed to on-site sewage disposal.

Mr. Wdowiak agreed that this was so.

Councillor Snow then questioned why the Municipality was not attempting to follow that advice.

Mr. Wdowiak advised that the Environmental Control Council is an Advisory Body to the Minister of Environment who can either follow their recommendations or who can choose not to follow their advice. He further advised that there appears to be disagreement among Department of Environment Staff as to whether that particular recommendation is a valid one.

Councillor Snow questioned whether a Treatment Plant on the site would be effective.

He was advised by Mr. Wdowiak that if the Environmental Control Council would give the Municipality the design parameters for a treatment plant, they should be prepared to advise that it will function as designed; however, he advised neither the ECC or the Department of Engineering and Works could outline design parameters.

In response to further questioning from Councillor Snow, Mr. Wdowiak advised that the soil in the area has had percolation tests and further that the Sackville conditions have been found acceptable for waste disposal.

Subsequent to the above, Mr. Wdowiak retired to the back of the Council Chambers and Mr. Willard D'Eon approached Council to represent the views of the Department of Health.

Councillor Deveaux questioned whether the Department of Health, and Mr. D'Eon in particular, was consulted during the deliberations of the Environmental Control Council. Mr. D'Eon replied that the Department of Health had been consulted and that he had, in fact, been present at that Hearing.

Councillor MacDonald questioned whether it was Mr. D'Eon's professional opinion that the septic system would work in the proposed Park without discharging into the Lake.

Mr. D'Eon indicated his opinion that a septic tank serving a small commercial enterprise would be no less safe than a septic tank serving a home; in fact, he felt there would certainly be less solid waste from a small commercial enterprise than there would be from a home. He advised that what would be proposed for the Cobequid Industrial Park would be a separate system for each business which would use about 20 gallons per day per person, while homes would use about 40 gallons per day, per person.

Councillor Bayers indicated his opinion that there would be a limit depending on the number of employees. Mr. D'Eon agreed that there would be a limit.

Councillor Lichter questioned Mr. D'Eon in regard to his attendance at the Environmental Control Council Hearing. He asked whether, at that time, there was any discussion relative to how a sewage treatment plant would operate, particularly during a heavy rainfall.

Mr. D'Eon advised that the ECC Hearing dealt with disposal and not with treatment plants.

Councillor Lichter asked Mr. D'Eon's opinion, as to whether if the Municipality were to follow the ECC recommendations, and had a treatment plant, there would from time to time be spillages of raw sewage.

Mr. D'Eon advised that this was a possibility.

Councillor Gaetz indicated his opinion that the use of Treatment Plants was a factor in polluting the Municipality's water bodies.

Councillor DeRoche questioned whether Mr. D'Eon had advocated the use of on-site sewage disposal during his attendance at the ECC Hearing.

Mr. D'Eon advised that he did not stand in favour or in opposition of any type of disposal system but that he had merely pointed out the pros and cons of each system. He further advised that no-one has shown that the proposed site is not capable of accepting a septic tank and disposal field which would indicate that it is more favourable than a Treatment Plant. It was his opinion that a disposal field is viable.

Councillor DeRoche then questioned whether the Department of Health would reserve the right of approval for each individual lot and he was advised by Mr. D'Eon that this would be the case. He advised that each individual lot would be assessed rather than giving blanket approval at the outset.

Councillor Snow questioned how the Department of Health could stop "Industrial Waste" from going into the lake system and was advised by Mr. D'Eon that the Term "Industrial" Park was a misnomer and that there would be no Industrial Waste per se but, rather Commercial Waste which, as he had indicated earlier, would be less than that from a residential dwelling.

Mr. D'Eon also advised that each Business to locate in the Park would be screened as to the amount and type of waste emitted.

The above Reports and Discussion concluded the Staff Presentation.

SPEAKERS IN FAVOUR

Mr. Ross Pearson, Manager of Cobequid Industrial Park Partnership Limited, Mr. Fred Clark of Davis, Clark and Associates, Barristers and Solicitors and Mr. John Sheppard of the Engineering Firm, Project Consultants Limited approached Council to speak in favour of the application.

Mr. Pearson advised that his Firm had worked in conjunction with Davis Clark and Associates and Project Consultants Limited and County Planning Staff, on the Agreement before Council. He advised that they had heard the input from the previous Public Hearing and the Environmental Control Council Hearing, and agreed with all recommendations of the ECC with the exception of the Treatment Plant. He advised that they have

also attempted to find solutions to all the objections of the Resident's Association and were present this evening to address only the two issues of Stormwater Management and Holding Tanks. He advised that they were agreeable to the condition of a Monitoring Board.

Mr. Pearson advised that as a layman he has had to hire professionals to study the above issues and to address solutions to the recommendations of the ECC.

Mr. Clark of Davis Clark and Associates then made the following presentation to Council on behalf of Cobequid Industrial Park Partnership Limited:

He advised the Deputy Warden that the presentation would be restricted to the three items set out in Council's motion of July 5, 1983: (1) The type of sewage services for the park, (2) Storm water control for the park, (3) The need for a Monitoring Board. He did request though, that should the speakers in opposition to the Agreement speak on other issues, that he should be given the latitude to respond later.

He then addressed the water and sewer disposal system advising that this is covered in clause 11 of the P.U.D. Agreement. He advised that the developer, in this instance would prefer to use septic tanks for sewer disposal, and in Clause 13 of the P.U.D. the developer has agreed to provide extensive buffer zones so that there is no development occurring at least 100' feet back from the lake. These buffer zones can be seen on the plan, and they make up a total of 10 acres of land being allocated to protect the lakes.

He advised that if one would elect to reject this P.U.D. proposal, then the owners would have no choice but to build residential housing as a portion of the lands are presently zoned to permit housing. Development would no doubt occur right up to the edge of the lake, as it does at Eagle Point and in the surrounding area.

Mr. Clark advised that if residential development did occur, the lakes would not be nearly as well protected as they would be under the proposed P.U.D. Agreement.

Mr. Clark then advised in regard to Storm Water Control, which is dealt with in clause 12 of the P.U.D. Agreement, where it states that the recommendations of the ECC and the Municipality's Department of Engineering and Works are to be followed. The recommendation of the ECC is that all surface runoff is to be diverted from Muddy Pond directly into Lake Thomas. This will prevent activating the arsenic lying at the bottom of Muddy Pond. He advised that the developer is willing to comply with this requirement and already has determined the land owner and is communicating with him to get an easement across the lands. He advised that if Council rejects the P.U.D. and residential housing is put up, in keeping with the present zoning, that there are no controls to require the developer to divert the storm water from Muddy Pond.

Mr. Clark advised that in both these areas, it can be seen that the P.U.D. Agreement gives the County much more control over sewage and storm water run off than it has over the present residents in the area or over future residential development.

Mr. Clark advised that there were several other clauses in the P.U.D. which further enforce the County's control of sewage and storm water runoff. These were clauses 23 and 6. He advised that Clause 23 sets up an Environmental Protection Bond of \$5,000.00 per acre of land being developed with a minimum of \$50,000.00 to be held by the County.

He further advised that this bond is to ensure compliance with Clause 6 of the Agreement, which requires that the developer monitor development to the Department of Environment standards. In the event that there is any breach of these standards, the development can be shut down. He advised that there is also a clause, 6C, stating that if arsenic levels increase as a result of surface water run off from the Park, the Department of Environment can shut down construction.

Mr. Clark indicated that this clause and the total agreement gives the County more than adequate protection. He advised that if Cobequid Industrial Park Partnership Limited were to build only houses in the area, the residents would not get as much protection. In fact, he advised, the residents which are in the area now, did not have to follow these strict standards in building their own homes.

Mr. Clark then advised that he had seen an instance at Eagle Point, where a resident dozed land fill right out into the lake in the construction of his house, which was quite close to the edge of the lake. This, he felt, emphasized his point that there is very little pollution control on individual house construction, whereas, with the proposed P.U.D. for the Industrial Park, the Municipality will have a great deal of control.

Mr. Clark then addressed the issue of the requirement of a Monitoring Board. He indicated that Mr. Birch, the Municipality's Chief of Planning & Development, does not feel that such a Board is necessary as the Shubenacadie Lakes Advisory Board already fulfills this function.

However, he advised that the Developer is in agreement with the concept of the Monitoring Board, but not to the specifics of the ECC recommendation. He advised that the Developer would agree to the Shubenacadie Lakes Advisory Board serving as a Monitoring Board, as there is already a good amount of expertise built up in that Board.

He advised that one of the specifics that the Developer would not agree with in the ECC's recommendations, is the requirement for a Monitoring Board to prescreen Industry. He advised that because of the competitive nature of obtaining tenants for Industrial Parks, it is felt that bringing in a Monitoring Board in the early stages could interfere with the confidentiality of the negotiations, and with the result that the prospective tenants could be frustrated with the requirement of dealing with the Board, or the information could be disclosed to the officials of other Industrial Parks. Also companies like Michelin Tire are very

secretive and will not disclose its industrial processes. All the Department of Health and the County would need to know is the type and amount of effluent being discharged.

In conclusion, Mr. Clark advised that a large proportion of the complaints and concerns put forward by the residents of the area relate to these three forgoing topics. He advised that Council and Council's predecessors on Council saw fit to refer this matter to the Environmental Control Council in order that these concerns of the citizens in the area could be addressed to this body of experts. He advised that the ECC had held hearings for two and one-half days and after full consideration being given to the concerns of the residents in the area, the ECC approved development of the Park subject to a list of controls. He advised that the P.U.D. Agreement at Clause 24, incorporates this full list of applicable development controls (those controls which the County chooses to adopt) into the agreement for the protection of the residents.

Mr. Clark submitted that Council has acted very responsibly in this matter, and that it is now time to grant approval subject to those controls so that the Developer might get on with development of the Cobequid Industrial Park.

Subsequent to the above, Mr. John Sheppard then addressed the technical aspect of the two items; Sewage Services and Storm Water Run Off.

Mr. Sheppard advised that the concept of using holding tanks, as a means of sewage handling at Cobequid Industrial Park is a fairly recent one, prompted by the ECC recommendation that septic tanks were not acceptable. He advised that septic tanks would still be the preferred means of handling sewage from the proposed development, from the point of view of the developer; however, holding tanks are an acceptable alternative.

Mr. Sheppard indicated that the ECC recommended solution to the sewage problem was that a wastewater treatment plant be constructed - an option that is not considered to be reasonable from a number of points of view. First of all, he advised, the area in question is outside the County's Servicable Area Boundary, and present County policy prohibits the use of wastewater treatment plants in such areas. Secondly, he advised, that even if the Developer were permitted to build a treatment plant, he could not afford to do so as such a system is far too expensive. He advised that the plant would have to provide for removal of nutrients, and a full collection system for the park would also be required.

The third point, which Mr. Sheppard felt was of the most importance, was that the Stewiacke River Basin Board completed several years ago, a series of technical studies of the river basin system in which the proposed Cobequid Industrial Park is located. Their final report was submitted to the Provincial and Federal Ministers of Environment in December of 1980. He quoted from their conclusion with regard to the use of wastewater treatment facilities versus the use of septic systems, as follows:

"Clearly, properly functioning centralized wastewater treatment facilities present a greater threat to the trophic status of lakes than do properly functioning septic tanks."

Mr. Sheppard felt this was an important statement and that it seems that the ECC was unaware of the River Basin Board's conclusions on the matter when they made their recommendation in favour of a wastewater treatment facility. Mr. Sheppard also pointed out to Council, that the studies done for the River Basin Board were done by technical people, experts in the fields in which they were working.

Based on the above, Mr. Sheppard indicated his opinion that the wastewater treatment plant recommended by the ECC was not a reasonable means of handling sewage from the Cobequid Industrial Park. For this reason, he advised they had been investigating the use of holding tanks at Cobequid Industrial Park and have been negotiating with the County to determine how best to implement this alternative.

Mr. Sheppard advised that his Firm had been proceeding in this manner on the basis that the Provincial Department of the Environment would support the Control Council's recommendation against septic tanks. However, he advised, that Environment, has now stated that either septic tanks or holding tanks are acceptable from their point of view. He advised that septic tanks are also the preferred option of County Staff and of the developer. He substantiated the opinion of Mr. Willard D'Eon of the Department of Health who had advised Council that septic systems are a most reasonable means of handling sewage from the Cobequid Industrial Park.

Mr. Sheppard then explained the concept of holding tanks, for the benefit of those Councillors or residents in the Chambers, who were unfamiliar with this method of disposal.

He advised that if the Developer proceeds with the holding tank concept, the intent would be to have one holding tank for each industry. The tank would be installed underground, just outside the building wall. This tank would be constructed of concrete and would be in the order of 3000 to 5000 gallons in size, depending upon the rate of sewage generated by the industry. The tank would be pumped out on a regular basis by a pumper truck, and transported to a point of disposal. He indicated that this concept does have some problems.

Mr. Sheppard indicated that the cost involved in holding tanks are higher than for septic tanks. The initial outlay would be approximately \$6,000 for a 5000 gallon tank. Subsequent to that, he advised that there would be the on-going cost of having the tank pumped out and the sewage trucked away. This cost would be approximately \$25.00 per 1000 gallons; the total cost will depend upon the size of the industry and the amount of sewage it generates. These costs would all be fully borne by the individual industry involved.

Mr. Sheppard advised that "point of disposal" has always been an important item of discussion with regard to holding tanks. The most obvious place to dispose of the sewage is the Mill Cove Treatment Plant. It

appears that this is a workable choice, if the proper approach is taken. The County engineering department have a number of concerns about disposing of sewage at Mill Cove, and he discussed these concerns briefly as follows:

1. As Mr. Wdowiak had discussed earlier with Council, the County would want the sewage discharged at the plant, not at some point in the collection system, which the Developer would agree to do;
2. The sewage must be delivered to the sewage treatment plant in a condition acceptable to the operator. That is, it cannot be septic. Any sewage left in a holding tank such as the developer is proposing, will begin to go septic within hours. However, this process of septicity can be halted or reversed by the addition of chemicals such as chlorine, hydrogen peroxide and others. He advised that he has discussed this situation with Mr. Alan Brady, Supervisor of Plant Operations for the Municipality, and Mr. Brady has agreed that addition of chemicals would make the sewage acceptable. The additional costs involved in adding these chemicals would be less than \$1 per 1000 gallons;
3. Concern has been expressed that the County will be setting a precedent by accepting sewage at their treatment plant from a development outside their serviceable boundary. This, he advised, is a valid concern; however, he indicated at least one excellent reason why this development and others like it should be permitted. This was that it would generate tax dollars for the Municipality, a little cost to the County in terms of disposing of wastewater from the development.

Mr. Sheppard then commented on the amount of sewage expected from the proposed Cobequid Industrial Park Development. He compared the rates of sewage generated by residential development versus that generated by industrial development. He advised that one person normally generates from 30 to 100 gallons per day of sewage, depending on the local climate, the affluence of the neighbourhood, and other such factors. He advised that in the County of Halifax, the rate is in the order of 50 gallons per capita per day. If the 175 acres which is proposed for development as industrial, were developed as residential instead, with 15,000 square foot lots, a population of approximately 1600 person would be expected. At 50 gallons per day, that would be approximately 80,000 gallons per day.

Mr. Sheppard advised that at Nisku Industrial Park in Edmonton, which is on holding tanks, the sewage generation rate is approximately 120 gallons per acre per day. He advised that if this was projected over 175 acres of similar industrial use, as Cobequid Industrial Park would contain after development, the sewage generated would be 21,000 gallons per day, compared to 80,000 gallons per day for residential use.

Mr. Sheppard then advised that he had analysed water demands at Atlantic Acres Industrial Park in Bedford. He indicated that for certain "selected" industries, the calculated sewage generation rate, based upon measured water demands is 120 gallons per acre per day; exactly the same amount as calculated for the Nisku Industrial Park in Edmonton. He reiterated, that for the kind of industries expected at

Cobequid, when it is fully developed, the volume of sewage generated would be about 21,000 gallons per day, about one-quarter that expected from a similar sized residential development.

In reference to the "selected" industries at Atlantic Acres Industrial Park, Mr. Sheppard advised that those industries whose flows he had used in his calculations were those which did not require the use of process water, most of the water used, and the sewage generated, was by the employees. By their nature, the use of septic tanks or holding tanks will limit development at Cobequid to those types of industries which do not generate large volumes of sewage, especially so in the case of holding tanks. An industry simply could not afford to have large volumes of sewage trucked off-site. This is the exact reason why holding tanks are not a viable means of handling sewage from residential developments - the flows are simply too high.

Mr. Sheppard advised that another aspect of "selected" industries which he would like to address and which was discussed before and also written into the Agreement, was that any Industry locating in the Cobequid Industrial Park must first obtain the necessary approvals from the proper authorities. He advised that if the development proceeds on septic tanks, the Department of Health would not permit any Industry in the Park if it will discharge a waste that cannot be properly treated by a septic tank system. If the development proceeds on holding tanks, the County will not accept sewage at the Mill Cove Treatment Plant unless it can be effectively treated there. To summarize this point, he advised that the approval process, and the manner in which the sewage would be handled, would eliminate the possibility of any industry locating in the park which will emit a deleterious or hazardous waste.

Mr. Sheppard then indicated that if the P.U.D. Agreement were not approved by Council, the Owner of the land is completely at liberty to develop the property as residential without the restrictions imposed by the various onerous controls as stipulated in the Agreement. Without these controls, there is considerably greater risk of negative impact upon the lakes. He indicated, there would be more sewage generated. There would be no settling ponds to handle the increased run off from the residential development and there could be residential development right up to the shores of Three Mile Lake and Third Lake.

Mr. Sheppard thought it was ironic that some of the residents who have so vigorously condemned the proposed development, have themselves been contributing to the risk of polluting their own lake system for years. It is a fact that one of the primary causes of the deterioration of the quality of the water of the Shubenacadie-Stewiacke River Basin is the proximity of septic fields to the lakeshore, and the lack of maintenance which residents afford their septic systems. Contrary to what most homeowners think, a septic system is not a maintenance free system. He advised that it requires occasional cleaning, and if this is not done, the system fails, resulting in contamination of groundwater and surface waters. He advised that there is a much greater likelihood that septic tanks will get their required maintenance in an industrial park setting. In fact, to ensure this in the proposed Industrial Park, it is written into the P.U.D. Agreement.

In conclusion of this discussion relative to the handling of sewage from the proposed development, Mr. Sheppard reiterated the opinion of Project Consultants and of the Developer, that septic tanks are the best solution and would be their preference; however, he advised that they are also willing to accept the concept of holding tanks as an alternative to septic tanks.

Mr. Sheppard then addressed the issue of Stormwater Management advising that they have agreed to comply with the Municipal Regulations and with the recommendations of the ECC, with respect to Storm Water Management. This is stated in Clause 12 of the Agreement. The Developer will provide retention ponds as required, and will provide the stormwater diversion around Muddy Pond, as recommended by the Control Council. The Developer, he advised, has been in contact with the owner of the property involved and they are planning to meet again, the following week, to discuss the matter further. As well, the Developer will provide all other stormwater controls recommended by the Environmental Control Council.

The above completed the presentation of the Developer and Mr. Pearson, Mr. Clark and Mr. Sheppard invited questions from Council.

Councillor MacDonald questioned whether the Developer felt the Park would be viable, if they have to be so selective regarding their tenants.

Mr. Pearson indicated his opinion that it would be a viable operation. He advised that they own the Park earlier referred to in Mr. Sheppard's presentation, which is located in Edmonton. He advised that this Park has been developed in the same manner with the same restrictions and that is doing extremely well. In addition, he advised that Mr. Birch had investigated this system and had formed a positive opinion.

Councillor Walker referred to Mr. Sheppard's comments which compared Industrial-Commercial use to Residential Use. He advised that Mr. Sheppard had referred to 15,000 square foot lots; he indicated to Mr. Sheppard that those regulations were amended in 1978 to 20,000 foot lots.

However, Mr. Sheppard indicated this was not the case for water frontage lots which are still 15,000 sq. ft. In fact, Mr. Sheppard advised, that this was soon to be amended again to 12,000 sq. ft. lots.

There were no further questions from Council and no further Speakers in Favour of the P.U.D. Agreement.

SPEAKERS IN OPPOSITION

Prior to hearing those Speakers in Opposition to the PUD Agreement, the following motions were made:

It was moved by Councillor Snow, seconded by Councillor Eisenhower:

"THAT there be a five-minute recess."
Motion Carried.

It was moved by Councillor Lichter, seconded by Councillor Poirier:

"THAT there be a curfew of 11:00 P.M. set on this evening's Public Hearing."

Motion Carried.

Subsequent to the five-minute recess the Public Hearing continued with those Speakers in Opposition as follows:

Mr. Graham Thomas, Chairman of the Riverlake Resident's Association, Mrs. Alena Mudroch, Senior Physical Scientist, Environment Canada, National Water Research Institute, Mr. John Bottomly, Chairman of the Shubenacadie Lakes Advisory Board and Mr. Dave MacLean, Riverlake Resident's Association Public Participation Committee, approached Council to make their presentation in opposition to the proposed P.U.D. Agreement.

Mr. Thomas introduced to Council, Mrs. Alena Mudroch, providing them with a long list of extremely impressive credentials leading up to her position with the National Water Research Institute.

The Delegation then provided Council with a Slide presentation of the water system in and around the area where the Development is proposed to be located.

Throughout this presentation Mrs. Mudroch spoke at length with regard to the already high arsenic concentration in the sediments of Three Mile Lake, Third Lake, Powder Mill Lake and Muddy Pond.

Mrs. Mudroch advised Council that she had been in attendance at the Environmental Control Council Hearing where she had stated (and she reiterated this evening) that "the lakes are extremely sensitive any disturbance to the lake you will see immediately the effect." Mrs. Mudroch was referring the negative effect that would result from nutrient loading which relates directly to the risks associated with sewage disposal, be that by way of septic systems or a treatment plant.

Mrs. Mudroch referred to an earlier study prepared by herself and a Colleague, entitled "Geochemical Analysis of Lake Bottom Sediments in the Shubenacadie Headwaters" in which it was indicated that Lake Thomas, William and Powder Mill and Muddy Pond have unacceptable high concentrations of arsenic in bottom sediments. These sediments probably resulted from the dumping of mine tailings into Muddy Pond. Mrs. Mudroch and her Colleague (Mr. Sandilands) had discovered that Powder Mill Lake and Lake William have high concentrations of mercury in their bottom sediments which may have resulted from a fulminated mercury plant at one time operated near Powder Mill Lake. In this Study the possibility of the Lake bottom sediments being resuspended and carried downstream by any increased flow of water through the system posing a real danger of downstream contamination was also discussed. This study indicated that additional studies on Powder Mill and William Lakes were necessary.

Mrs. Mudroch advised that the Environment Control Council had recommended further study of the Lakes and they had also acknowledged that insufficient information now exists to accurately predict the impact of future developments on the lakes.

As a result of that ECC recommendation, a further study has been authorized which Mrs. Mudroch has already begun in conjunction with the Provincial Department of the Environment. Mrs. Mudroch advised Council that this study should be completed and a Report should be prepared by April of 1984.

Mr. Thomas indicated that it was the opinion of the Riverlake Resident's Association that the results of the above-mentioned study should be made available prior to any development taking place on the proposed site. He felt, it made little sense to proceed with development only to find out that it may have a significant negative effect on the lakes. He also indicated that considerable Government Funds have been spent and are continuing to be spent in an effort to determine what the impact of the development will likely be and what development controls are necessary. He further indicated the opinion of the Riverlake Resident's Association that this information should be assessed prior to any development taking place on the proposed site which could significantly impact the Lakes.

Mr. John Bottomly then provided Council with a brief presentation relative to the terms of reference of the Shubenacadie Lakes Advisory Board. He advised that the Board was composed of a balance of Professional people, including access to legal advice, who gave freely of their time to study the Lake system and to give advice to Council relative to the best manner in which to protect the lakes.

He advised that the decision of the Environmental Control Council, to approve the Development, subject to conditions (earlier stated) was a split decision of five people; the vote was 3 - 2. He advised that the Hearing was a three-day long Hearing and based on the testimony during that long Hearing, the decision was made that no on-site sewage disposal should be allowed on the development. He advised that it was not up to the ECC as to how the area should be developed.

It was Mr. Bottomly's suggestion to Council, that the ECC was aware, when they stipulated that a sewage treatment plant be erected, that it would be too expensive for the Developer and would, therefore, quash the proposed development. He further advised that each and every condition imposed from 5.1 to 5.11 were those conditions under which the development could proceed and only then after each and every condition was met.

With regard to the Monitoring Board, he advised that the ECC had set out that the Monitoring should include some residents of the area and further that there were specific issues they were to address.

Subsequent to the above, Mr. Dave MacLean advised he would wait and address his comments to Council at the next Hearing Date, rather than go too far past the 11:00 curfew.

The Delegation then invited questions from Councillors.

Councillor Snow questioned Mrs. Mudroch if it was possible in her professional opinion that any Development on the proposed site could do damage to the surrounding lakes to which Mrs. Mudroch advised that from a scientific point of view, usually when dealing with sensitive development, it will most probably have a negative impact on the water quality of the lakes.

Councillor MacDonald questioned Mrs. Mudroch as to where she felt the unacceptable arsenic limits had originated to which she indicated her opinion that they had come from the extensive Gold Mining in the area in previous years.

In response to Mrs. Mudroch's opinion that development would have a negative impact on the Lake system, Councillor Wiseman questioned whether Mrs. Mudroch meant any development at all or whether she was referring to abusive development. Mrs. Mudroch advised that she had been referring to any development at all which would disturb the soil in the area; she advised that this would have a deleterious effect on the lakes.

Councillor Snow requested that Mrs. Mudroch indicate the arsenic readings in the Lakes at the present time, in comparison to the acceptable levels.

Mrs. Mudroch advised that the acceptable levels of arsenic in water for human consumption are .03 parts per million. She advised that in Powder Mill Lake there are 40 parts per million. In Muddy Pond the level was many times this amount.

The Deputy Warden questioned whether this reading had been taken from the surface water to which Mrs. Mudroch replied the figures had been gleaned from the sediment in the Lakes. She advised that the depth of Powder Mill Lake was 45 feet while it was only nine feet in Muddy Pond.

Subsequent to the above and further brief discussion, Mr. Thomas, Mrs. Mudroch, Mr. Bottomly and Mr. MacLean retired to the back of the Council Chambers.

DATE FOR CONTINUANCE OF PUBLIC HEARING

It was moved by Councillor Deveaux, seconded by Councillor DeRoche:

"THAT the Public Hearing be continued at 7:00 P.M., Thursday, September 1, 1983." Motion Carried.

ADJOURNMENT

It was moved by Councillor Poirier, seconded by Councillor DeRoche:

"THAT the Public Hearing adjourn." Motion Carried.

Therefore, the Public Hearing regarding the Cobequid Industrial Park was adjourned at 11:30 p.m. until Thursday, September 1, 1983 at 7:00 P.M.

SEPTEMBER 1, 1983

PRESENT WERE: Deputy Warden Margeson, Chairman
 Councillor Poirier
 Councillor Larsen
 Councillor Gaudet
 Councillor Baker
 Councillor Deveaux
 Councillor DeRoche
 Councillor Adams
 Councillor Gaetz
 Councillor Bayers
 Councillor Reid
 Councillor Lichter
 Councillor Snow
 Councillor MacKay
 Councillor McInroy
 Councillor Eisenhauer
 Councillor MacDonald
 Councillor Wiseman
 Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
 Mr. Robert Cragg, Municipal Solicitor
 Mr. Keith Birch, Chief of Planning and Development
 Mr. G. J. Kelly, Municipal Clerk

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING

The Deputy Warden brought the Public Hearing to order at 7:05 with The Lord's Prayer.

ROLL CALL

Mr. Meech then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor McInroy, seconded by Councillor Wiseman:

"THAT Christine E. Simmons be appointed Recording Secretary."
 Motion Carried.

PUBLIC HEARING - COBEQUID INDUSTRIAL PARK - DAY II

Deputy Warden Margeson reiterated the procedure to be followed during the Public Hearing advising that at the last Public Hearing date, Speakers in Opposition were being heard prior to adjournment.

LETTERS AND CORRESPONDENCE

Prior to continuing the Public Portion of the Hearing, the Deputy Warden advised that several pieces of correspondence had been received relative to the proposed P.U.D. Agreement. He felt this correspondence should be read into the record and received.

Mr. Birch proceeded to read these letters into the record, as follows:

1. Letter From Davis Clark and Associates

"Please be advised that during the course of our presentation on this matter, we neglected to request that our model of the Cobequid Lands be entered as an exhibit. We are now requesting that the model be introduced as an exhibit. If you wish to have Mr. Pearson explain the model to Council, he will be pleased to do so.

A second point with respect to several enquiries from Council members regarding the Department of Environment's position on the use of septic systems in the proposed industrial park, I understand that the Minister of Environment has put forth his position in a letter to Councillor Snow. We are not knowledgeable of the Minister's position in this respect, so cannot assist Council in providing an answer to this question."

Signed by Mr. Frederick E. Clark.

2. Letter From the Office of the Minister of Environment to Councillor Snow

"I hope the following will clarify the matter brought to my attention on August 31, 1983.

No on-site disposal systems will be permitted for any waste, discharge or effluent resulting directly from an industrial or manufacturing process in the proposed Cobequid Industrial Park.

This reaffirms my acceptance of the Environmental Control Council's report and recommendations on this development proposal."

Signed by Greg Kerr, Minister.

It was AGREED by Council that this correspondence be received.

The Deputy Warden then advised that a Model of the proposed Development and the surrounding lands and water bodies, had been made available by the Developer and was on the table before Council to assist anyone who wishes to point out any specific areas.

SPEAKERS IN OPPOSITION - (Continued)

Prior to those speakers in opposition continuing their presentation the Deputy Warden reminded them that discussion and presentations were to be kept to the following three items: (1) Sewage Disposal Methods, (2) Storm Water Management (3) Monitoring Board.

Mr. Dave MacLean, Resident of Windsor Junction, Member of Riverlake Resident's Association Public Participation Committee: Mr. MacLean advised that he, Mr. Thomas and Mr. Bottomly (as well as Mrs. Mudroch) had been a Panel previous to adjourning the Hearing to this evening and he advised that, Council permitting, they would like to continue as such.

It was agreed by Council that the three could approach Council together as a Panel. Mr. Thomas then joined Mr. MacLean; Mr. Bottomly did not and Mrs. Mudroch was not present for this portion of the Hearing.

Mr. MacLean began his presentation by providing Council with a lengthy background of himself and his interest in the Planning of his Community. He advised that he had studied all the Reports of the Shubenacadie - Stewiacke River Basin Board and advised that he had with him this evening a copy of the Final Report of the Board as well as the Executive Summary of the Board which is distributed to Members of Parliament. This, he felt, indicated that he was knowledgeable with regard to the area in which he resides. He further advised that he had attended numerous Planning Sessions with the Community Planning Association, Nova Scotia Division and he had been instrumental in having a survey of the District done, tabulated and results circulated to the people in the Community. He advised that he was presently a member of the new Public Participation Committee.

Mr. MacLean advised that he did believe in growth and development of the Community; however, he felt there was a place for everything and he did not think that the area proposed for the Industrial Park was a proper location for such a large development. He gave Council assurance that the people he was working with felt the same and that they would do everything in their power to ensure that the Industrial Park is not developed on that site.

Mr. MacLean then quoted from the "Final Report - Executive Summary" of the Shubenacadie - Stewiacke River Basin Board Study, as follows:

"The Board recommends modifications to the Nova Scotia Water Act which would give the Minister of the Environment specific authority to develop and implement comprehensive river basin management. This authority would enable the Minister to establish and enforce water quality objectives, to ensure public input into all phases of management, and to apply the provisions of the Act to the public at large.

The Board also recommends that the Water Act be revised to provide more opportunity for the provincial and municipal governments to protect potable surface water and groundwater supply sources for present and future use.

The Board recommends modifications to both the Nova Scotia Environmental Protection Act and the Planning Act to promote a closer relationship between the application of land development control and water resource management."