

WESTERN REGION COMMUNITY COUNCIL

MINUTES

September 24, 2012

PRESENT: Councillor Reg Rankin, Chair
Councillor Peter Lund, Vice-Chair
Councillor Stephen Adams

STAFF: Ms. Jillian Maclellan, Planner, Community and Recreation Services
Ms. Sheilagh Edmonds, Legislative Assistant
Mr. Matt Godwin, Legislative Assistant

*** Administratively Approved by the Chair and Municipal Clerk ***

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1. CALL TO ORDER

Councillor Rankin, Chair, called the meeting to order at 7:05 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES – July 23, 2012

MOVED by Councillor Adams, seconded by Councillor Lund that the minutes of July 23, 2012, as presented, be approved. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

- 12.1 Supplementary Report – Development Agreement, St. Margaret’s Square, Highway 3, Upper Tantallon.
- 12.2 St. Margaret’s Bay Coastal Planning Advisory Committee Terms of Reference
- 12.3 Solid Waste Resource Management Strategy System Review

MOVED by Councillor Adams, seconded by Councillor Lund that the agenda, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1 Mersey Lands

Status Sheet Item #12.4 – Bowater Mersey Lands – Councillor Lund noted staff have surpassed the sixty day deadline for confirming permitted uses for MR-2 land uses within HRM portion of the 40,000 hectare parcel belonging to Resolute Forest Products.

4.2 LUB Amendments for Planning Districts 1 and 3

Status Sheet Item #12.3 – Rezoning – Councillor Lund noted correspondence has been received from a constituent expressing frustration with further delay on rezoning. Staff are re-writing the report. This correspondence has been included in the record.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council receive correspondence from Mr. John Leon, dated September 12, 2012, for the record. MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence

9.1.1 Response from Industry Canada dated July 25, 2012

Councillor Lund offered background on this piece of correspondence. Councillor Adams requested Industry Canada provide clarification with respect to the process for public notification and consultation for telecommunication tower applications in the Western Region Community Council jurisdiction.

Councillor Adams noted that previous recommendations by the Community Council on Telecommunications Towers to the federal government have not been followed. There was consensus among the Councillors that the expectation of the federal government for HRM to consult the community on the placement of towers is unfair, as HRM has no authority pertaining to the ultimate decision on where to place towers. This process sets up false expectations for the public.

The Council agreed, if Industry Canada wishes to hold a public consultation on the placement of towers, they should conduct the process themselves, as they are ultimately responsible for deciding on the location.

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council recommend to staff that all requests from the federal government which would see the Western Region Community Council conduct consultation on applications for towers be declined, given that these consultations lead to false expectations about the authority of the municipality in deciding on these matters. MOTION PUT AND PASSED.

9.2 Petitions

9.2.1 Friends and Residents of River Road – Case 17869

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council receive the above petition as read. MOTION PUT AND PASSED.

The Chair advised that the Council is awaiting a staff report on this case and a public information meeting has been held. He then invited a representative of Friends and Residents of River Road to speak briefly to the Council on their petition.

Ms. Lynn Slaunwhite advised on the process for the circulating of the petition and noted that the signatories do not support the application and are hoping their concerns will be considered during the review process.

A discussion ensued on the methodology of the petition.

10. REPORTS

10.1 Case 17521: Non-substantial amendments to the existing development agreement for Brunello Estates, Timberlea: Blocks 1, 2 and 3.

This report was before the Western Region Community Council.

Ms. Jillian Maclellan, Planner, Community and Recreation Services presented information regarding this item.

The Chair noted that Council has read the report carefully and invited staff to provide a presentation related to this development agreement.

Councillor Lund offered questions related to waste-water management, consideration of the use of permeable concrete and single-level units to accommodate seniors. Staff and a representative from the developers, Mr. Robert Dexter, responded.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council:

- 1. Approve, by resolution, the 7th Amending Agreement, as provided in Attachment "A" of the September 17, 2012 report, for the development of alternate housing sites on Blocks 1, 2 and 3 of Brunello Estates; and**
- 2. Require that the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 16770 – Development Agreement, St. Margaret's Square, Highway 3, Upper Tantallon.

Councillor Lund had requested clarification on several points related to this case at the July 23, 2012 meeting of the Community Council and requested that correspondence, dated August 1, 2012, to this effect from Mr. Paul Sampson be included in the official record.

12.2 St. Margaret's Bay Coastal Planning Advisory Committee (SMBCPAC) - Terms of Reference

Council noted it is unfair for applicants whose public consultation process began before the inception of the SMBCPAC to have to undergo another delay. Council agreed applications which began before the inception of the planning committee should be exempt from the PAC.

Councillor Lund suggested, as a courtesy to members of PAC, that development agreements be circulated amongst the members in advance of a public hearing.

MOVED by Councillor Lund, Seconded by Councillor Adams that the St. Margaret's Bay Coastal Planning Advisory Committee's Terms of Reference do not apply to existing projects which have already undergone public consultation; and as a courtesy, the St. Margaret's Bay Coastal Planning Advisory Committee receive copies of these development agreements in advance of public hearings.

MOTION PUT AND PASSED.

12.3 Solid Waste Resource Management Strategy System Review

Councillor Rankin noted staff have not provided a community consultation process which reflects the Community Engagement Strategy in respect of a request for proposal and there is some concern that staff are not sensitive enough to the importance of a consultation process as it pertains to the Solid Waste Resource Management Strategy System.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council believes staff are obligated to report back to council on a request for proposal with an outline of the consultation process pursuant to the Community Engagement Strategy, approved by Regional Council on December 9, 2008.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

14. PUBLIC PARTICIPATION

Mr. **Anthony Dwyer** of Glengarry Estates, Charles Road, requested clarification on the authority HRM has over easements on private property. The question stems from new developments in his area which have filled in existing easements, leading to flooding and standing, stagnant pools of water.

He is concerned as a City staff person who came to view the site noted that the City could force the owners of the new developments to reopen the easements. However, he later received a contradictory statement stating it is not HRM's responsibility to provide a solution.

Councillor Rankin committed to providing clarification on the issue from HRM's legal authorities.

Mr. **Wayne Finn** came forward with a number of issues. Firstly, he is concerned with hazardous ice on the Bay road (2076 Bay Road). Water floods onto the road and creates an ice hazard. Secondly, he is disappointed with the amount of litter, garbage and other hazardous materials on Highway 103. He has communicated this issue to several levels of government. Thirdly, he also has flooding issues in Glengarry. His address is 101 Ashdale Crescent and he notes that a road HRM is developing above him is causing damage related to water.

The Chair noted that his coming forward is helpful with respect to litter and garbage issues and the province should provide answers to these concerns. With regard to flooding, there are many issues in the HRM related to this. Councillor Rankin requested Mr. Finn to get in touch with HRM with more details on this issue and the Clerk provided his contact information for him to do so.

15. NEXT MEETING DATE – October 22, 2012

16. IN CAMERA

16.1 Approval of July 23, 2012 In Camera Minutes

MOVED by Councillor Adams, seconded by Councillor Lund that the In Camera minutes of July 23, 2012 be approved as presented and distributed. MOTION PUT AND PASSED.

17. ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Matt Godwin
Legislative Assistant

INFORMATION ITEMS

1. Letter to Province from Western Region Community Council dated July 25, 2012
re: Bowater Mersey Land Purchase/Location of Interchange for Highway
103/Moratorium on Lands