

MARINE DRIVE VALLEY AND CANAL COMMUNITY COUNCIL
AND
NORTH WEST COMMUNITY COUNCIL
JOINT MEETING
JUNE 3, 1998

PRESENT: Councillor David Hendsbee
 Councillor Bill Dooks
 Councillor Gordon R. Snow
 Councillor Barry Barnet
 Councillor Peter Kelly
 Councillor Robert Harvey

STAFF: Mr. Barry Allen, Municipal Solicitor
 Ms. Maureen Ryan, Planner
 Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES - NONE

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS - NONE

4. BUSINESS ARISING FROM THE MINUTES - NONE

5. CONSIDERATION OF DEFERRED BUSINESS - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. FILE NO. DA-F&S/FEN - 00-96-01/19-CD - APPLICATION BY HALIFAX GOLF AND COUNTRY CLUB TO ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT THE EXPANSION OF THE ASHBURN GOLF COURSE IN FALL RIVER

Ms. Maureen Ryan, Planner, presented the staff report outlining the proposed expansion.

Councillor Kelly referenced the grade alteration process and asked what controls were in place to ensure the control of sedimentation. In response, Ms. Ryan advised the golf course has to submit plans for approval by the HRM Engineering and Works and the Nova Scotia Department of Environment before any work is undertaken. She stated they would have to install all devices, approved under those plans, before undertaking any removal of vegetation.

Councillor Harvey referenced environmental protection and asked if the protection provided under this agreement are standard or exceeding the normal standard. In response, Ms. Ryan stated she would characterize them as meeting the requirements. She stated the golf course is situated within the Shubenacadie Lakes Watershed and the watershed waters are being maintained at 1990 levels. She stated the controls are adequate to ensure that those objectives are met.

Councillor Harvey asked who would make the judgement as to whether or not trees were to be removed or retained. In response, Ms. Ryan stated that would be decided in consultation with a development officer. She advised once the facility has been constructed there are no specific provisions to specifically require the proponent to come

in and submit plans for the removal of trees. However, there are specific requirements of what can and can't be removed and what distance.

Councillor Harvey stated he would be more comfortable if there was some mechanism in place for an outside party or for staff to be involved or notified when such was going to take place.

In response to Councillor Snow, Mr. Tom Swanson, Whitman Benn, stated that they have excavated to maximum depths and did not encounter bedrock of any type and they do not anticipate encountering it.

Speakers in Favour

Mr. Graham Thomas, Windsor Junction, stated Halifax Slate runs along the east side of Kinsac Lake down to Third Lake and Three Mile Lake on the east side. He stated it runs down to Rocky Lake and into Bedford. He stated nothing on the west is ever discussed about Halifax Slate. He stated he is a member of the golf club and has been a resident in the area for a number of years and stated, in his opinion, golf courses are environmentally friendly.

Mr. David Barrett, Barrett Lumber, stated he is in favour of the proposal noting he owns the property on the north side of the proposal. He expressed concern that when certain trees are cut there will no longer be protection for those that have always been protected and this may result in those trees, as they are no longer protected, not being able to withstand the force of winds and will blow down.

Mr. Paul Pettipas, LWF Ratepayers Association, stated the golf course is a good corporate citizen providing recreation in the area. He stated the course takes part in the community. He expressed concern with the intersection of Fall River and Windsor Junction Road and suggested this be looked at by HRM transportation staff.

Mr. Don Wall, resident, stated he has some concerns those being the location of the service area. He stated he lives across the lake and does not want to hear the noise and there will be fuels and chemicals stored close to the lake which may have an effect on the lake. He further expressed concern with the effluent from the treatment plus the nitrates from the golf course having an impact on the lake. He stated another concern is erosion and siltation in this area if the water level in the lake should drop.

MOVED by Councillors Kelly and Harvey that the height restriction for buildings on the property not to exceed forty (40) feet instead of the fifty (50) feet as noted in the agreement. MOTION PUT AND PASSED.

Mr. Bill Lockhart received clarification that the water for the hydrant system will be supplied from Kinsac Lake.

Speakers in Opposition

No speakers.

MOVED by Councillors Kelly and Dooks that the public hearing be closed. MOTION PUT AND PASSED.

Decision of Council

MOVED by Councillors Dooks and Snow that the draft development agreement presented as Appendix A to the staff report dated March 18, 1998, be approved by Marine Drive, Valley & Canal Community Council, with the following amendment:

- replace the wording in Subsection 10.1(b) "Rights and Remedies on Default" of the agreement pertaining to Planning Districts 14 & 17 with the wording outlined in the memorandum from staff dated April 8, 1998

Further, the Marine Drive Valley and Canal Community Council require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

MOVED by Councillors Harvey and Kelly that the draft development agreement presented as Appendix B to the staff report dated March 18, 1998, be approved by the North West Community Council, with the following two amendments as recommended by staff:

- replace the wording in Subsection 9.1(b) "Rights and Remedies on Default" of the agreement pertaining to Planning Districts 15, 18 & 19 with the wording outlined in the memorandum from staff dated April 8, 1998
- inclusion of wording in Section 6.16 to require the developer to undertake testing for aluminum on a monthly basis until the completion of construction

Further, the North West Community Council require the development agreement

shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE
10. REPORTS - NONE
11. MOTIONS - NONE
12. ADDED ITEMS - NONE
13. NOTICES OF MOTION - NONE
14. PUBLIC PARTICIPATION
15. ITEMS FOR NEXT AGENDA
16. NEXT MEETING
17. ADJOURNMENT

MOVED by Councillors Snow and Kelly that the meeting be adjourned at 8:35 p.m.
MOTION PUT AND PASSED.

Julia Horncastle
ASSISTANT MUNICIPAL CLERK