

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL SPECIAL SESSION MINUTES AUGUST 28, 2002

PRESENT: Mayor Peter J. Kelly
Councillors: Steve Streach (Declared Conflict of Interest)
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy (Declared Conflict of Interest)
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

**ABSENT WITH
REGRETS:** Deputy Mayor Robert P. Harvey

STAFF: Mr. George McLellan, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Vi Carmichael, Municipal Clerk
Ms. Sherryll Murphy, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 4:00 p.m. with Councillor Smith leading the Invocation.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The agenda, as distributed, was accepted.

3. **PUBLIC HEARING - CONSTRUCTION AND DEMOLITION GENERAL AMENDMENT PACKAGE**

- This matter was last considered by Halifax Regional Council at the July 9, 2002 meeting of Regional Council at which time the proposed amendments to the Municipal Planning Strategys and the Land Use Bylaws were given First Reading.
- A supplementary staff report dated August 19, 2002 submitted by Dan English, Acting Chief Administrative Officer, was before Council for consideration.
- Correspondence received August 16, 2002 from Sandy J. Bryson, 365 Waverley Road, was distributed to members of Council. Also distributed to members of Council was a memorandum from Eric Fisher, 25 Craighburn Drive, Dartmouth.
- A copy of the Correction Notice - Change in Time advertisement relating to Council's decision to move the time of this hearing from 3:00 p.m. to 4:00 p.m. was distributed to Council. Also distributed was a copy of the amended definition of Construction and Demolition Materials Processing Facility as it appears in the C&D Licensing By-law, By-law

CONFLICT OF INTEREST

Councillor Streach declared a Conflict of Interest for all of the Public Hearings related to the regulation of the construction and demolition waste industry, citing a family connection.

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest for all of the Public Hearing related to the regulation of the construction and demolition waste industry advising that his brother had been retained as legal counsel for one of the proponents.

In response to a question, Mr. Pyle advised that approval of the proposed amendments would require a majority of Council rather than a majority of members present at the public hearings (i.e. approval requires that 13 members of Council vote in favour of the amendments).

Mr. Kurt Pyle, Planner, using a Power Point presentation, briefly reviewed the proposal to amend all HRM's Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) to regulate the construction and demolition waste industry, as set out in the August 19, 2002 supplementary staff report. Mr. Pyle advised that staff was recommending approval of the MPS and LUB amendments as attached to the August 28, 2002 staff report. Mr. Pyle further noted that Council had recently changed the definition of a Construction and Demolition Materials Processing facility as it appears in the C&D Licensing By-law. Mr. Pyle indicated that the intent was that this amended definition, wherever it appears in the MPS and LUB, be adopted into the amendment package. A copy of Mr. Pyle's presentation is on file.

Mr. Pyle and Mr. Bauld, Diversion Planning Coordinator, then responded to questions from members of Council.

Mayor Kelly called for persons wishing to speak in favour of or against the amendments.

Ms. Jennifer Lake, Harrietsfield

Ms. Lake addressed Council expressing concern regarding where Construction and Demolition processing facilities are located. She noted that staff has established guidelines and that, as a location, Harrietsfield does not meet the criteria. Ms. Lake went on to suggest, that giving special consideration to any operator would, in effect, remove the level playing field that is part of the philosophy of these amendments. Ms. Lake pointed out that if special consideration is to be given to operators, a disposal facility could be located in any District.

Ms. Shannon MacDonald, Harrietsfield

Ms. MacDonald addressed Council noting that she had followed the development of these amendments and, for the most part, supported the amendments. She went on to object to the clause which provides for the rezoning of existing C&D Transfer Stations and Processing facilities to their corresponding C&D Zoning. Ms. MacDonald suggested that this clause should be clarified to ensure that only those operations which are "undisputedly compliant" be rezoned. Ms. MacDonald commented that the grandfathering of non-compliant operations would only lead to appeals by area residents and new operations. She indicated that Council needs to go forward with a clean slate to ensure that they can get on with other urgent business.

Referring to the protections for both the public and the environment contained within the amendments, Ms. MacDonald suggested that the Otter Lake site was the most appropriate site in all of HRM for a C&D disposal facility. Ms. MacDonald advocated the development of a C&D disposal site to serve the whole municipality be located at Otter Lake.

Mr. Brook Taylor, Middle Musquodoboit

Mr. Taylor addressed Council noting that he had expressed concerns on a previous occasion relating to the fact that HRM, not private enterprise, should own and operate any disposal site for C&D materials. He went on to express concern that the site plan approval process does not address the concerns expressed by groups and residents. For example, there is confusion around the requirements for public notification. Referring to the change in time for this meeting, Mr. Taylor advised that he had received representations of concern regarding the change in time and the lack of certainty around whether Council would be breaking at 5:00 p.m. or not.

Mr. Taylor further indicated that recommendations have been made that insurance coverage be increased to a minimum of \$5 million. He went on to note that there was a lack of information regarding whether the appropriate infrastructure would be in place should there be a fire. Will there be a water storage facility and fire fighting capabilities?

Mr. Taylor advised, that he believed that site plan approval process should be a development agreement process. He indicated that this would provide an avenue for residents to address specific concerns about a site.

Mr. Scott Miller, 3907 Old Guysborough Road

Mr. Miller addressed Council noting that he was a member of the Clattenburg Brook Association. Mr. Miller indicated that he and his Association had concern with the separation distances. He went on to suggest that the proposed distances did not provide sufficient enough protection to wilderness parks, and recommended that a 5 kilometer buffer be instituted.

Mr. Miller referred to the possibility of stockpiling up against a tree or forest line and the resulting danger should a fire occur. He suggested that a 250 meter separation distance should be maintained between a stockpile and a tree or forest line.

Mr. Jim Reid, 1144 Antrium Road

Mr. Reid addressed Council expressing concern that the Provincial guidelines for lining of C&D disposal sites do not provide sufficient protection for the environment and residents.

He went on to indicate that there is quite a list of C&D materials and that a number of materials used in construction in the past are now banned substances. Mr. Reid noted that this is the material which disposal facilities will be receiving. Based on testing, it will take less than one year for the leachate to work its way down to the water table. Given the possible health risks, Mr. Reid advocated more stringent guidelines than the present Provincial standards.

Mr. Scott Kyle, Civil Engineer, Dhillon Consulting Ltd.

Mr. Kyle, on behalf of Halifax C&D, addressed Council indicating that the technique or social rationale for a 5 kilometer setback for Provincial parks or wilderness areas as advocated by a previous speaker, is not apparent to he and his colleagues. Mr. Kyle went on to compare Provincial setback requirements for a variety of facilities. He noted that the Provincial guidelines are founded on the concept of environmental protection and not with a view to providing additional extensive buffer zone.

Mr. Kyle, using an overhead, illustrated the impact of a 5 kilometer setback from Provincial Parks and designated wilderness areas on establishing licensed C&D Disposal facilities within the Municipality. He further illustrated the impact of the 5 kilometer setback in conjunction with other excluded lands (i.e. watersheds, established residential areas and DND lands). Mr. Kyle noted that 85% of the lands in a 50 kilometer radius of the Macdonald Bridge would not be available for a C&D disposal facility with the proposed 5 kilometer setback. He suggested that such a setback would be excessive.

In closing, Mr. Kyle urged HRM Council to adopt the amendments before them.

Mr. Barry Zwicker, Wallace MacDonald and Lively

Mr. Zwicker, representing RDM Recycling Ltd., addressed Council noting that all of the amendments being put in place are to implement the Solid Waste Strategy adopted by Council. He went on to agree with the previous speaker that the 5 kilometer setback was excessive, noting that the setbacks proposed by staff were restrictive, albeit workable.

Mr. Zwicker indicated that since the adoption of the ban on C&D waste leaving HRM, it is even more imperative that Council adopt these amendments to provide for the disposal of this waste. He went on to note that without properly licensed facilities, there would be more of the dumping which happens around the municipality at the present time. Mr. Zwicker urged Council to adopt the amendments to the MPS and LUB as presented by staff.

Mayor Kelly called three times for persons wishing to speak in favour of or against the proposed amendments. Noting there were no further speakers at this time, His Worship asked if Council wished to recess and reconvene at 6:00 p.m. to allow for any individuals who believed they would have an opportunity to speak this evening.

MOVED by Councillor Hetherington, seconded by Councillor Hines that the public hearing close.

After a brief debate, the **MOTION WAS PUT AND DEFEATED.**

Mayor Kelly declared the meeting to be recessed.

The meeting reconvened at 6:00 p.m.

Mayor Kelly called for persons wishing to speak in favour of or against the proposed amendments.

Mr. Carl Purcell, 21 Canterbury Street, Dartmouth

Mr. Purcell addressed Council expressing appreciation for the opportunity to address this matter. He went on to congratulate Council and staff on the document being considered, noting that it was a needed document. Mr. Purcell indicated, however, that there were some concerns particularly with regard to liners. He encouraged HRM to be a leader in this issue and to not accept Provincial standards. Mr. Purcell noted that the technology is available to ensure that the environment and our people are protected.

Referring to the monitoring of the facilities, Mr. Purcell suggested that citizens, along with HRM and industry representatives, make up the monitoring committee. He went on to propose the use of test holes to ensure that no leachate occurs and, if it does occur, to ensure immediate action is taken. Mr. Purcell urged that Council move forward with the amendments.

Mr. Blair MacDonald, Harrietsfield

Mr. MacDonald addressed Council seeking clarification of Section 25C.6, Section 8, Page 198 of the supplementary staff report. Using an overhead, Mr. MacDonald indicated that the property identified by the PID number in this section is actually 150 acres rather than the small portion identified on Map 2, page 199A.

Mr. Pyle explained that only a portion of the 150 acres was proposed to be rezoned and suggested that Section 8 be amended to provide that "a portion of the land (PID#41056102) shown on Map 2" be rezoned.

Mayor Kelly called three times for persons wishing to speak in favour of or against the proposed amendments. Hearing none, the following motion was placed before Council.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Rankin, seconded by Councillor Hetherington that Regional Council:

Adopt amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws to regulate the construction and demolition waste industry (Attachments I through XXXVII, inclusive) including:

- a. **The creation of a CD-1 Zone (C&D Transfer Stations), a CD-2 Zone (C&D Processing Facilities) and a CD-3 Zone (C&D Disposal Sites) Zone; and**
- b. **Pursuant to the proposed Municipal Planning Strategy policies rezone the following existing construction and demolition operations as follows:**
 - i) **Halifax C&D site, on Mills Drive in Goodwood, rezoned from I-1 (Light Industry) Zone to CD-2 (Processing Facilities) Zone (As Per Map 1 - Page 263A);**
 - ii) **RDM Recycling Ltd. site, on Old Sambro Road in Harrietsfield, rezoned from R-2 (Two Unit Dwelling) Zone to CD-2 (Processing Facilities) Zone (As Per Map 2 - Page 199A);**
 - iii) **Halifax C&D Ltd. site, on Ross Road near Cole Harbour, rezoned from I-1 (Light Industry) Zone to CD-1 (Transfer Stations) Zone (As per Map 3 - Page 306A);**
 - iv) **Preston C&D Ltd. site (currently subject to a development agreement), in North Preston, rezoned from MR (Mixed Resource) Zone to CD-2 (Processing Facilities) Zone (As per Map 4 - Page 150A);**

and that the following definition be adopted, where it appears, into the amendments;

Construction and Demolition Materials Processing Facility, herein after referred to as a C&D Process Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D materials described in Sub-Section 9(3) of HRM By-law L-201, de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.

and further that Section 25C.6 (8) found on page 198 of Attachment I of the August 19, 2002 supplementary staff report be amended to provide that “a portion of the land (PID#41056102)” shown on Map 2 attached to the August 19, 2002 report be rezoned.

Councillor Sloane proposed an amendment to provide that a bedonite liner be required in conjunction with the clay liner.

The Municipal Solicitor indicated that this would be a substantial amendment for which a further public hearing would be required.

A brief discussion ensued with Mr. Pyle clarifying that the more appropriate handling of an amendment relating to liners would be to amend the Licensing By-law.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that this matter be referred back to staff for a report responding to the comments and concerns brought forward by the speakers at this public hearing and further that this report come back to Council in two weeks.

A discussion ensued with Council requesting that the report specifically address, along with all other comments and concerns expressed, the following:

- < Concerns re appropriate infrastructure (i.e. an adequate water supply) and fire fighting capabilities

- < Concerns re stockpiling on the tree/forest line and the possibility of fire
- < Concerns re the appropriateness of liners
- < The impact of a 5 kilometer setback from Provincial parks and wilderness areas
- < Whether municipal requirements can supercede the Provincial requirements relative to additional liners
- < Provide clarity with regard to Community Liaison Committees and Community Monitoring Committees, the difference between them and the authority of each
- < Staff report of August 21, 2002 be included with this report
- < A briefing on the status of the North Preston site
- < How would increased requirements impact tipping fees given the stated desire of the Community Stakeholder Committee that the private sector operate the sites
- < The possibility of the sites being handled under a Development Agreement rather than the proposed Site Specific Plan
- < The concerns expressed regarding notification of the public
- < Within the recommendation, pinpoint which issues can/should be considered within the MPS and LUB amendments and which can/should be considered within the Licensing By-law

MOTION PUT AND PASSED.

4. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Vi Carmichael
Municipal Clerk