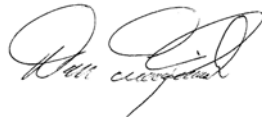


TO: Mayor Kelly and Members of Halifax Regional Council



SUBMITTED BY:

Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 21, 2008

SUBJECT: **Case 01058 - Amendments to All Land Use By-laws: Temporary Construction Uses**

ORIGIN

September 18, 2007, Regional Council motion directing staff to undertake the process to amend all of HRM's Land Use By-laws regarding temporary construction uses.

The completion of region-wide public information meetings.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give First Reading to consider amendments to all HRM Land Use By-laws identified in Attachments A through to U regarding temporary construction uses and to schedule a public hearing; and
2. Approve the proposed amendments to all HRM Land Use By-laws identified in Attachments A through to U.

EXECUTIVE SUMMARY

As an accessory use to construction and demolition projects, temporary rock crushers offer efficiencies to the cost and duration of development. However, the use of temporary rock crushers can also have potential negative impacts on adjacent properties. In order to achieve a reasonable and consistent approach, and in response to Council's directive to undertake a region-wide review of all Land Use By-laws (LUBs) regarding temporary construction uses, staff propose amendments that provide for the use of temporary rock crushers as a sustainable development practice, with controls on the extent, duration and portability of the resultant crushed rock.

BACKGROUND

Aggregates are construction materials of stone, sand and gravel used for road construction, lot grading, concrete production and erosion control measures. In many cases, crushed aggregates are supplied by quarries licenced by the province.

The use of temporary rock crushers on development sites where in situ (native) rock is crushed and used on the site is an appropriate and efficient use of aggregate and reduces or eliminates the need to import or export aggregate to and from the site.

The Land Use By-laws within HRM permit temporary construction uses to accommodate site development, however, only the Beaver Bank, Hammonds Plains and Upper Sackville LUB specifically cites rock crushers as a permitted temporary construction use. The remaining LUBs do not specifically mention rock crushers.

In the past, staff have consistently made an interpretation that if a rock crusher is being used to crush native rock to be used on a specific construction site it is considered incidental to construction and therefore a permitted use. However, if this rock is being crushed and exported to another site staff considers this an industrial use (processing operation), which is not permitted in a number of zones under the Land Use By-laws.

While investigating a complaint that crushed rock on a construction site was being exported, our legal staff advised that HRM's LUBs should be amended to clarify regulations with respect to these temporary construction uses. Council has requested that staff address this issue.

DISCUSSION

Temporary Rock Crushers

Regional Council directed staff to address a number of temporary construction uses as part of its analysis including soil screeners, wood chippers and temporary asphalt plants. Upon completion of the region-wide public information meeting component, and staff review, only the rock crusher use was identified as requiring land use by-law enabled restrictions. Temporary asphalt plants are not generally associated with temporary construction activities, but rather are more commonly utilized in major road paving applications and are regulated by the province. The use of temporary

soil screeners and wood chippers are primarily associated with initial site development preparations and typically do not present significant impacts or impacts of long duration on adjacent properties.

Site Preparation Uses

The use of temporary rock crushers on development sites where native rock is crushed and used on the site is a good example of “green” or sustainable development practices. It promotes an efficient re-use of on-site rock and reducing or eliminating the need to import aggregate to the site or export large rock from the site. While this activity results in certain impacts on existing adjacent uses, primarily noise and dust, such impacts can be minimized if the duration of the activity is restricted to only that required for the site development. However, impacts on adjacent uses are exacerbated in circumstances where rock crushers operate to produce aggregate beyond the requirements for the site, through the import and export of materials. This issue is addressed in the proposed by-law amendments.

Demolition Uses

The proposed by-law amendments also make a distinction between the use of rock crushers for site preparation activities (grading, road construction) and for demolition projects. The issue of encouraging sustainable development practices is recognized and addressed by enabling on-site crushing during demolition projects (eg. demolition of the former Halifax Infirmary Hospital) resulting in use of the crushed material as part of the on-site remediation, or for smaller demolition debris sizes, thereby resulting in less off-site truck trips.

Proposed LUB Amendments

In order to address these issues and to provide for consistency throughout the Municipality, staff recommend that the Temporary Construction Uses controls be amended in all LUBs with identical text as proposed in the amendments (Attachments A through U).

In summary, the proposed amendments provide for the following:

- Enable the use of portable rock crushers as a temporary use via a permitting process;
- Differentiate between site development practices and demolition practices that involve temporary rock crushers;
- Control the duration of the temporary use;
- Separation distances from existing residential or institutional buildings for site development purposes;
- Property boundary setbacks for demolition purposes;
- No transportation of processed aggregate to other off-site locations; and
- No transportation of rock to the site for the purpose of on-site processing into aggregate.

The proposed amendments will be applied consistently in all areas of HRM. This will create clarity for both the construction industry and residents, and will avoid having different rules for different geographic areas.

Staff, however, does not recommend that temporary rock crushers be permitted to crush excess

rock on the site and then transport the processed aggregate to other development sites. Staff also does not recommend that rock be permitted to be transported to a development site for crushing. While industry stakeholders have stated that these practices would further the objectives of sustainable development, staff feels that Council must also be cognizant of, and protect, the interests of adjacent land uses by allowing this as an activity which is truly incidental to construction or demolition.

Subdivision Agreement Form

In order to facilitate the administration and enforcement of the proposed LUB amendments, staff will amend the HRM Subdivision Agreement Form to require aggregate quantity estimates. This administrative housekeeping matter will provide staff with additional site specific development information to aid in determining the justification for the portable rock crusher and the requested period of operational duration.

Other Applicable HRM By-laws

Notwithstanding the proposed amendments, temporary construction uses remain subject to existing HRM by-laws applicable to development and demolition projects including, but not necessarily limited to:

- Noise (By-law N-200)
- Streets (By-law S-300)
- Blasting (By-law B-600)

Community Energy Plan

Of particular relevance to the topic of temporary rock crushers is the Community Energy Plan (CEP) endorsed in principle by Council in December 2007. Goal No. 4 of the CEP is to “encourage energy efficient land use planning and neighbourhood site planning”, and under this goal, “Community Action No. 2” recommends “minimizing the transport of bulk materials to development sites by using local materials”. Staff feels that the proposed by-law amendments respecting temporary rock crushers is consistent with the CEP objective.

The amendments will enable the utilization of a rock crusher, as a temporary use, to process and use on-site material (building to be demolished) or aggregate, and thereby not necessitate the exportation of all demolition debris to a disposal/recycling site, nor the importation of processed aggregate for site development (building foundations, roads). The resultant reduction in truck traffic promotes the efficient use of energy supplies and aids in the reduction of air pollution and greenhouse gas emissions.

Existing Land Use By-law Regulations

To further the encouragement of environmentally sustainability development practices, staff reviewed the existing regulations regarding rock crushers as a temporary use as provided for in the Beaver Bank, Hammonds Plains, Upper Sackville Land Use By-law (Attachment V). Upon review, it was determined the once a year 30 day maximum operational period of duration combined with a large setback (800 metres) from property boundaries, and no differentiation between demolition and development practices conflicted, not only with the Municipality’s

environmental sustainability initiatives, but also the input received from the public and industry stakeholders. In particular, staff advises that the 800 metre setback requirement is overly restrictive and would in effect, prevent the operation temporary rock crushers on many development sites.

Public Participation

At the direction of Council, prior to embarking on the required region-wide public consultation, staff convened a facilitated information session on December 18, 2007 with industry stakeholders, including representatives of the Development Liaison Group, NS Home Builders Association, NS Road Builders Association, rock crusher operators, quarry operators and NS department of Environment and Labour. Significant stakeholder discussion centered around the issue of portable rock crusher operators and the exportation of excess processed aggregate from a construction site to other sites, and the potential for market competition between the portable rock crusher operators and provincially licensed quarry operators (Attachment W).

While staff acknowledge this as a market competition matter, HRM's primary concern is minimizing the impacts of portable rock crushing operations on neighbouring uses, particularly adjacent residential and institutional uses.

Public information meetings were also held in each of the administrative regions of HRM (Attachment X). On average, approximately 35 people attended each meeting with the general input summarized as supporting the use of temporary construction uses as a tool for sustainable development practices while also recognizing the need for the protection of existing adjacent uses. Written submissions received as part of the public consultation process are attached (Attachment Y) for Council's information.

There was no notification area of property owners directly notified of the meeting, because of the region wide effect of the proposed amendments. However, advertisements were placed in the Chronicle Herald notifying all HRM residents of the meeting. Should Council choose to hold a public hearing, there will be no direct notification again, but advertising will be carried out in accordance with the requirements of the Municipal Government Act.

At the request of the Halifax Watershed Advisory Board (HWAB), staff also provided a presentation to the Board on May 21, 2008. The Board's verbal comments on the application were received by staff at the meeting. In summary, the majority of the HWAB comments were related to groundwater quality issues and therefore, within the jurisdiction of the NS department of the Environment. The remaining concerns raised by the Board related to dust control and off-site transfer of native material are addressed by existing HRM By-laws and the proposed amendments.

Conclusion

The proposed amendments are intended to encourage sustainable development practices and to provide for the protection of adjacent land uses. The proposed amendments regarding temporary construction uses encourage environmentally sound best practices and are complementary not

only to the Municipality's commitment to the environmental goals of clean energy, but also compliments provincial and federal government sustainability efforts.

The stakeholder and public consultations undertaken with this application further HRM's active role in collaborating, participating and partnering with other levels of government, business, community and industry to reduce energy consumption.

The amendments to all HRM Land Use By-laws regarding temporary construction uses provide the necessary clarification to enable consistency of administration of the regulations, as well as enforcement.

Staff recommend the proposed changes as contained in Attachments A through U of this report.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to proceed with the proposed Land Use By-law amendments. This is staff's recommended course of action as identified above.
2. Council may choose to alter the proposed amendments. Depending on the nature of the changes, this may necessitate a further public hearing.
3. Council may choose to refuse the proposed Land Use By-law amendments.

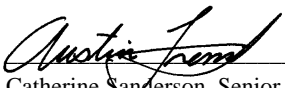
ATTACHMENTS

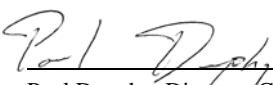
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| Attachment A | Amendments to the Land Use By-law for Sackville |
| Attachment B | Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville |
| Attachment C | Amendments to the Land Use By-law for Bedford |
| Attachment D | Amendments to the Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay) |

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| Attachment E | Amendments to the Land Use By-law for Planning District 5 (Chebucto Peninsula) |
| Attachment F | Amendments to the Land Use By-law for Planning District 4 (Prospect) |
| Attachment G | Amendments to the Land Use By-law for Timberlea, Lakeside, Beechville |
| Attachment H | Amendments to the Land Use By-law for Cole Harbour/Westphal |
| Attachment I | Amendments to the Land Use By-law for Eastern Passage/Cow Bay |
| Attachment J | Amendments to the Land Use By-law for North Preston/Lake Major/Lake Loon, Cherry Brook, East Preston |
| Attachment K | Amendments to the Land Use By-law for Lawrencetown |
| Attachment L | Amendments to the Land Use By-law for Planning Districts 8 & 9 (Lake Echo/Porter's Lake) |
| Attachment M | Amendments to the Land Use By-law for Eastern Shore (East) |
| Attachment N | Amendments to the Land Use By-law for Eastern Shore (West) |
| Attachment O | Amendments to the Land Use By-law for Musquodoboit Valley/Dutch Settlement |
| Attachment P | Amendments to the Land Use By-law for Halifax Mainland |
| Attachment Q | Amendments to the Land Use By-law for Halifax Peninsula |
| Attachment R | Amendments to the Land Use By-law for Dartmouth |
| Attachment S | Amendments to the Land Use By-law for Downtown Dartmouth |
| Attachment T | Amendments to the Land Use By-law for Sackville Drive |
| Attachment U | Amendments to the Land Use By-law for Planning Districts 14 and 17 |
| Attachment V | Excerpts of the Land Use by-law for Beaver Bank, Hammonds Plains, and Upper Sackville |
| Attachment W | Industry Stakeholder Consultation Session Notes- December 18, 2007 |
| Attachment X | Public Information Meeting Minutes - January 23, 2008; January 30, 2008; February 6, 2008 |
| Attachment Y | Public Comment - Written Submissions |

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: David Lane, Senior Planner, 490-5719

Report Approved by: 
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Report Approved by: 
Paul Dunphy, Director, Community Development

Attachment A
Amendments to the Land Use By-law for Sackville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Sackville Land Use By-law as enacted by the former Halifax County Municipality on the 5th day of April, 1994 and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

Amend Section 4.12 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“4.12 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment B
Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, which was adopted by Halifax Regional Municipality on the 9th day of November, 1999, as amended, is hereby further amended as follows:

Amend Section 4.13 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment C
Amendments to the Land Use By-law for Bedford

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Bedford Land Use By-law, which was adopted by Bedford Town Council on the 26th day of March, 1996, as amended, is hereby further amended as follows:

Amend Part 6 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“6 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Bedford, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment D
Amendments to the Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Planning Districts 1 & 3 Land Use By-law, which was adopted by Halifax County Municipality on the 3rd of April, 1995, as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 1 & 3, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment E
Amendments to the Land Use By-law for Planning District 5 (Chebucto)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Planning District 5 (Chebucto) Land Use By-law, which was adopted by Halifax County Municipality on the 5th day of December, 1994, as amended, is hereby further amended as follows:

Amend Section 4.15 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“4.15 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning District 5, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment F
Amendments to the Land Use By-law for Planning District 4 (Prospect)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Planning District 4 Land Use By-law, which was adopted by Halifax County Municipality on the 12th day of December, 1994 , as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Uses Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning District 4, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment G
Amendments to the Land Use By-law for Timberlea, Lakeside, Beechville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Timberlea, Lakeside, Beechville, Land Use By-law, which was adopted by Halifax County Municipality on the 10th day of August, 1992, as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Timberlea, Lakeside, Beechville, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment H
Amendments to the Land Use By-law for Cole Harbour/Westphal

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Cole Harbour/Westphal Land Use By-law, which was adopted by Halifax County Municipality on the 30th day of November, 1992, as amended, is hereby further amended as follows:

Amend Section 4.12 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.12 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Cole Harbour/Westphal, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment I
Amendments to the Land Use By-law for Eastern Passage/Cow Bay

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Eastern Passage/Cow Bay Land Use By-law, which was adopted by Halifax County Municipality on the 22nd day of June, 1992, as amended, is hereby further amended as follows:

Amend Section 4.13 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Eastern Passage/Cow Bay, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment J
Amendments to the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston Land Use By-law, which was adopted by Halifax County Municipality on the 14th day of December, 1992, as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment K
Amendments to the Land Use By-law for Lawrencetown

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Lawrencetown Land Use By-law, which was adopted by Halifax County Municipality on the 15th of May, and 27th of August, 1990, as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Lawrencetown, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment L
Amendments to the Land Use By-law for Planning Districts 8 & 9

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Planning Districts 8 & 9 Land Use By-law, which was adopted by Halifax County Municipality on the 20th day of December, 1988, as amended, is hereby further amended as follows:

Amend Section 4.13 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.
- (f) No temporary rock crusher shall be located or used within three (3) metres from any

property boundary.

- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 8 & 9, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment M
Amendments to the Land Use By-law for Eastern Shore (East)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Eastern Shore (East) Land Use By-law, which was adopted by Halifax County Municipality on the 4th day of March, 1996, as amended, is hereby further amended as follows:

Amend Section 4.13 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.

- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Eastern Shore (East), as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment N
Amendments to the Land Use By-law for Eastern Shore (West)

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Eastern Shore (West) Land Use By-law, which was adopted by Halifax County Municipality on the 4th day of March, 1996, as amended, is hereby further amended as follows:

Amend Section 4.13 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.

- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Eastern Shore (West), as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment O
Amendments to the Land Use By-law for Musquodoboit Valley/Dutch Settlement

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Musquodoboit Valley/Dutch Settlement Land Use By-law, which was adopted by Halifax County Municipality on the 19th day of February, 1996, as amended, is hereby further amended as follows:

Amend Section 4.14 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.14 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.
- (f) No temporary rock crusher shall be located or used within three (3) metres from any

property boundary.

- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Musquodoboit Valley/Dutch Settlement, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment P
Amendments to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Mainland Land Use By-law, which was adopted City Council on March 30, 1978 and May 11, 1978, as amended, is hereby further amended as follows:

Insert a new Section 14V (Temporary Construction Use Permitted) immediately following Section 14U(e) as follows:

“14V TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Mainland, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment Q
Amendments to the Land Use By-law for Halifax Peninsula

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Halifax Peninsula Land Use By-law, which was adopted by City Council on March 30, 1978, as amended, is hereby further amended as follows:

Insert a new Section 16M (Temporary Construction Use Permitted) immediately following Section 16L(e) as follows:

“16M TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Halifax Peninsula, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment R
Amendments to the Land Use By-law for Dartmouth

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Dartmouth Land Use By-law, which was adopted by the former City of Dartmouth on the 25th day of July 1978, as amended, is hereby further amended as follows:

Amend Section 25 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“25 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Dartmouth, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment S
Amendments to the Land Use By-law for Downtown Dartmouth

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Downtown Dartmouth Land Use By-law, which was adopted by the Halifax Regional Council on the 11th day of July, 2000, as amended, is hereby further amended as follows:

Amend Section 5(8) (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“5(8) TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Downtown Dartmouth, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment T
Amendments to the Land Use By-law for Sackville Drive

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Sackville Drive Land Use By-law, which was adopted by the Halifax Regional Municipality on the 7th day of May, 2002, as amended, is hereby further amended as follows:

Insert a new Section 15 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“15 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville Drive, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment U
Amendments to the Land Use By-law for Planning Districts 14 and 17

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14 and 17, which was adopted by the former Halifax County Municipality on the 2nd day of May, 1989, as amended, is hereby further amended as follows:

Insert a new Section 4.12 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

“4.12 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning Districts 14 & 17, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment V

Excerpts of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains, Upper Sackville, which was adopted by the former Halifax County Municipality on the 9th day of November, 1999, as amended, is hereby further amended as follows:

Insert a new Section 4.13 (Temporary Construction Use Permitted) by deleting the entire section and inserting a new section as follows:

4.13 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.
- (b) A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted pursuant to this By-law, provided a development permit has been issued for such use.
- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development permit pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be used within three (3) metres of any property boundary.

- (f) No temporary rock crusher shall be located or used within three (3) metres from any property boundary.
- (g) Notwithstanding any provision of this By-law, the aggregate or other material produced by the use of a temporary rock crusher accessory to construction or demolition in progress shall be used on the construction or demolition site only and no material shall be imported to the construction or demolition site to be processed by a temporary rock crusher; excepting however, where a temporary rock crusher is accessory to the demolition of a structure or building, the demolition materials produced by the rock crusher may be removed from the site and disposed of in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-Law.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains, Upper Sackville, as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Acting Municipal Clerk

Attachment W
Stakeholder Consultation Session Notes

Case No. 01058
Temporary Construction Activities (Rock Crushers)
December 18, 2007 Stakeholder Meeting

Attendance

Name

Organization

Portable Rock Crusher Operators

| | |
|-----------------|--------------------------------|
| Paul Behner | Trax |
| Trevor Chisholm | ACL Construction Ltd. |
| Paul LeBlanc | MacLellan Construction |
| Jack Eisener | J.R. Eisener Construction Ltd. |

Quarry Operators

| | |
|---------------|----------------------------|
| Scott Stevens | Gateway Materials Ltd. |
| Fred Benere | Gallant Aggregates |
| Andrew Inch | Municipal Enterprises Ltd. |
| Kim Conrad | Conrad Brothers Ltd. |

Development Industry/ HRM DLG

| | |
|----------------------|---|
| Fred Hutchinson | ANSLS |
| Don Maillet | NSRBA |
| Tamara Barker-Watson | Whitestone Developments |
| Robert MacPherson | Kimberley Lloyd Developments |
| Virginia Bonn | HRM DLG (Crombie) |
| Paul Pettipas | NSHBA & HRM DLG |
| Stephen Campbell | SC Design Development Ltd. (Consultant to TRAX) |

Province

| | |
|-------------------|---------|
| Stephen Westhaver | NSDoE&L |
| Darlene Fenton | NSDoE&L |

HRM

| | |
|------------------|-----|
| Rosemary MacNeil | HRM |
| Sharon Bond | HRM |
| Sean Audas | HRM |
| Roger Wells | HRM |
| David Lane | HRM |
| Andy Geldart | HRM |

Summary of Issues

- advancements in industry technology
- sustainable development initiatives
- excess on-site material is standard practice
- monitoring/enforcement
- mitigation of nuisance effects on existing neighbours essential
- public perception of development industry
- grading plan as control tool
- further public consultation prior to reporting to Council
- setback distances from existing neighbours/land uses

K. Donnelly

- Welcome and introductions
- Provided a summary of the issues resulting from the pre-meeting survey scan:
Consensus that on-site crushing is not a problem, however there is concern for nuisance effects on neighbours. There is a need to co-ordinate with NSDoE&L. HRM will be adopting regulations therefore beneficial to present a unified development industry position.

R. Wells

- History & Process
- Status-quo not an option. Resolution of Regional Council to amend 17 of the 18 Land Use By-laws in HRM that are silent on the issue of temporary Construction activities.
- HRM practice has been consistent in interpretation throughout the Region however legal Services has advised amendments are required to enforce defensibly.
- Quarries are a necessary component of development
- How much nuisance effects (noise, dust, truck traffic) are existing residents willing to tolerate regarding site development.

General Discussion

P. Pettipas

- Green development practices are in demand by the consumer. Those who don't adapt will not be profitable.
- Good business practices are essential for public relations. Responsible temporary operators recognize it is in their best business interests to develop a project as efficiently as possible and complete the job when developing near existing residential neighbourhoods.

K. Conrad

- Industry education/awareness required as to the existing rules and regs.ie: (Noise By-law)
- Permitting process for portable crushers necessary

V. Bonn

- Most complaints from residential neighbourhoods are related to truck traffic
- Inspections permits are in place to regulate this aspect.
- Blasting does not require setbacks.

- Increased inspection fees/requirement by the developer as a monitoring option.

A. Inch

- The nature of the quarry business involves the extraction, processing and distribution of aggregates.
- Quarries are regulated while temporary rock crushers cause nuisance disturbances to residential neighbourhoods.
- Over processing by portable crushers can lead to the creation of a market for the material, monitoring required.
- Prohibition of exporting from site to site too difficult to monitor enforce.
- Lack of application of provincial regulations/guidelines that quarries are subject to.
- Consistency is required for all portable operators, not just those who utilize best practices..

D. Fenton

- Pit and Quarry Guidelines for the removal, processing, stockpiling and distribution of rock have been in place since 1976.
- Under the NS Activities Designation Regs. a “quarry” involves the removal of aggregate with the use of explosives, and a “pit” is defined as being over 2 ha. in size involving the removal of aggregate without the use of explosives.
- If the primary purpose of an activity is for “development” (ie: cut and fill for a road, blasting for a foundation, Bayers Lake development) then NSDoE&L does not recognize the activity as either a pit or a quarry.
- NSDoE&L is presently in a process of defining “development”.

P. Behner

- Polled the DLG regarding portable crushers resulting in support for the “green” sustainable approach of processing on site, but not for export to another site.
- NIMBY is a concern for the overall development industry. Best interest for all industry stakeholders to keep development activity to a minimum and keep it on-site.
- Maintaining an estimated project schedule is critical to the costs of a project
- Quality control is provided by Building Code for ie: backfilling & aggregate size
- Intends on presenting the “green” sustainable approach of portable crushing to the HRM DLG early in the new year.
- Suggest additional stakeholder consultations with other development industry players including consultants, engineers, etc.).
- Public input component of this By-law amendment process requires the development industry to have a unified approach.

J. Eisener

- Technology has greatly improved over the past decade increasing the efficiency and reducing the nuisance effects of rock crushing equipment including breakers, hammers and crushers.
- Ability to work at the face of a development project has resulted in development cost reductions.

- Traditional practice involved the trucking of excess material (aggregate) off-site and in-filling another suitable site; these suitable sites are becoming limited and typically involve longer trucking distances.
- Quarries still utilized at the end processes with the use of portable rock crushers ie: type 1 aggregates from quarry.
- Correct application of site development requirements for material by estimating engineer should not result in more than reasonable excess at project completion. Excess then goes to a quarry or C&D site.
- Urban in-fill projects & sustainability ie; on-site crushing reduces trucking. Concern re: setback/buffers.
- Differentiate between demolition projects and new developments regarding crushing.
- Easily developable lands in HRM have mostly been developed. The remaining undeveloped lands present additional development challenges and associated costs.
- HRM By-law L-200 regulates demolition; portable rock crushers essential to efficient and sustainable practices to process demolition materials on-site as per By-law L-200.
- Requiring portable rock crushers to abide by a separation distance is not sustainable practice.
- Excess material on-site is standard practice.
- HRM Red Book Grade Alteration permit can be monitoring tool.

F. Hutchinson

- Consideration of HRM regulations regarding this issue should complement the provincial sustainability goals.
- Portable rock crushing meets the goals of sustainability.

Attachment X
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 01058 - Temporary Construction Uses

7:00 p.m.
Wednesday, January 23, 2008
Sackville Heights Community Centre

STAFF IN

ATTENDANCE:

David Lane, Senior Planner, HRM Planning Services
Sharon Bond, Manager of HRM Development Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE:

Councillor Bob Harvey, District 20
Councillor Debbie Hum, District 16
Ann Merritt, Member of North West Planning Advisory
Committee
Walter Regan, Member of North West Planning Advisory
Committee and Sackville River Association

REGRETS:

Councillor Krista Snow, District 2
Councillor Brad Johns, District 19
Councillor Gary Martin, District 21

PUBLIC IN

ATTENDANCE:

30

The meeting commenced at 7:00 p.m.

Opening remarks/Introductions/Purpose of meeting

Mr. Lane introduced himself as the planner guiding this application through the planning process; Councillor Debbie Hum, District 16; Councillor Bob Harvey, District 20; Sharon Bond, Manager of HRM Development Services; Alden Thurston, HRM Planning Services; and Cara McFarlane, HRM Planning Services.

The purpose of the meeting is to seek public comment and consultation on temporary construction uses.

Overview of planning process

Mr. Lane reviewed the planning process.

Presentation of Proposal

HRM received a complaint regarding the processing of rock on construction sites. Based on that, staff determined that the clarification in the land use by-laws were not strong enough to take care of the issue. Therefore, a staff report was brought before Regional Council and recommendation was made to strengthen the wording of temporary uses on construction sites involving heavy machinery.

Temporary construction uses need a development permit and are generated by the associated construction project in which it is related to. They traditionally set up time frames for these uses.

On December 18, 2007, an initial stakeholder's meeting was held to discuss the common issues and concerns before holding a public meeting.

Two issues have come out of this debate and they revolve around the processing of materials (natural resources) on the development site and the removal of materials from the site.

The goal in this process is to strengthen the land use by-laws and achieve a balance between fairly regulating the process and environmental sustainability. Staff would like to hear comments on these issues from the public (tolerance with potential nuisance effects or the developer have the site developed as fast as possible).

In addition to the land use by-laws, there are other by-laws that are applicable concerning these temporary uses. They include the noise by-law (N-200), blasting by-law (B-600), and streets by-law (S-300).

Some of the industry stakeholders pointed out that a lot of the easily developed sites in the area are gone. A lot of the sites now are infilled and/or confined urban spaces, there are development deficiencies and technology has changed over the years (eg: rock crushers).

Some development issues include materials being taken from one site to another, the construction traffic accompanying it, and potential nuisance effects. Environment sustainability issues include reusing natural resources, reduction of construction traffic, reduction of greenhouse gas emissions, and green initiatives at all three levels of government.

Questions/Comments

David Barrett, Beaver Bank, mentioned that affordable housing should be included.

Walter Regan, Sackville River Association, asked how this ties in with Provincial use of quarry operations and pit uses. Mr. Lane said Nova Scotia Department of Environment and Labour

(NSDOEL) regulates pits and quarries. Temporary construction use is related to areas of jurisdiction that HRM has.

Mr. Regan asked if this application will go before the Watershed Advisory Board (WAB) for comments. Mr. Lane said a request had been made for a presentation to be done to the three Boards following the three community meetings.

Mr. Regan asked if HRM would look at the Province's regulations for pits and quarries and consider following them. Mr. Lane said it comes back to a matter of jurisdiction.

Ross Evans, Hammonds Plains, a member of WAB, showed a map identifying quarries. Temporary rock crushers usually have no dust control, trucking is expensive and not environmentally safe. He does not believe any rock should be exported from the province. Temporary uses on construction sites should be regulated through development agreements. Blasting and crushing of rocks on a site is considered a quarry and he is concerned about the impact it would have on a community. Mr. Lane mentioned that this process is not dealing with quarries and therefore will not be able to solve the issues with quarries.

Mr. Regan is concerned about slate and acidic slate. Mr. Lane said it is the Province's jurisdiction. The province has their own inspectors who are watching these sites. Mr. Regan wondered if the developer came across slate, could HRM not pull their permit and issue a stop work order. Mr. Lane believes the Province's jurisdiction would supercede HRM's.

Mr. Regan wondered if noise and wind speed would be evaluated on different types of days. Mr. Lane mentioned that the noise by-law sets out times of operation for construction.

Mr. Regan asked about dust. Mr. Lane said dust control provision would be covered under the street by-law. The engineer technicians have the ability to pull a permit.

Mr. Regan asked about water use, collection and treatment. Mr. Lane said there are erosion control measures that are monitored. Mr. Regan wondered if those measures would be specific to breaking rock. Mr. Lane said it would not be addressed in these amendments but it is in place now.

Mr. Regan asked if soil construction on the roads that wash into the river would be covered under these amendments. Mr. Lane referred back to the streets by-law. There are measures that go along with the construction projects that are monitored.

Mr. Regan asked if this would apply to Nova Scotia Power (NSP) when the chippers are used for right of ways. Mr. Lane does not believe NSP needs permits from HRM but will look into that.

Mr. Regan asked how oils and chemicals will be stored. Mr. Lane suspects the Province has jurisdiction on that issue.

Mr. Regan asked how long is considered temporary. Mr. Lane mentioned that temporary can be defined through a variety of ways for different sections of different by-laws. In this situation, a duration has not been proposed at this point.

Mr. Regan asked about controls for trucking over-burden tree stumps off-site. Mr. Lane said the intent of this by-law amendment is not to address the trucking issue but the processing issue when a natural resource is being processed beyond the need of the development site (for use on another site). Some developers may find means to reuse that product on the site.

Mr. Regan thanked HRM for doing this but feels that the development agreement process is the way to go and every development agreement should go before WAB for comment. Mr. Lane clarified that a development agreement is not being discussed at this meeting.

Ann Merritt, Springfield Lake, would prefer the temporary uses at construction sites rather than have the material being trucked in and out. The materials can be reused in the same subdivisions. In an area where there are residents, there need to be constraints (eg: hours and safety) that will allow people to continue to live there comfortably. People would probably be willing to put up with the nuisances for a short period of time.

Paul Pettipas, Nova Scotia Home Builders Association, said the noise by-law sets out hours for operation from 7:00 a.m. to 9:00 p.m. Saturdays and Sundays have shorter times. Developers are cognizant of working outside of these hours as it is a disturbance to the residents. If the by-law is breached, they are given warning and watched very closely. Mr. Lane added that development does come with some nuisances but the goal is to manage it when HRM has the authority to do so. Ms. Merritt believes that the more these constraints are stated and written, the more they are apt to be followed.

Mr. Evans stated that a great number of by-laws are not enforced. Restrictive development agreements are needed to enforce constraints. Mr. Lane defined a development agreement to the public. He also mentioned that a Municipal Service Agreement (more from an engineering perspective for a construction project) is another means to enforce the rules.

Dr. Armstrong, Halifax, asked what type of regulatory mechanisms are in place to move material from one site to another. Mr. Lane said technically this can't happen and this is the reason for making the wording in the by-laws stronger and defining what can and can't be moved. Dr. Armstrong believes it would make more sense to take the material to another site (which may be closer) than trucking it away.

Mr. Barrett has been involved in the community and harvested wood for chipping for 20 years. He believes the reuse of materials on-site should be encouraged. He also believes there needs to be competition to avoid monopoly.

Mr. Regan wondered if temporary cement plants would apply. Jack Eisener, Eisener Contracting, Fall River, believes a Provincial permit is needed for cement plants. Mr. Lane will look into it.

Mr. Eisener realizes that many people's concerns are noise and dust. He gave an example of a case study his company did with HRM in 2001. It was basically a sewage pumping station, sewer force main, sewer and water line to be installed on Point Pleasant Drive in Halifax. The noise and dust was controlled (residents didn't realize rock crushing was taking place) and existing concrete material from the road was reused saving many litres of fuel from trucking and the construction truck traffic proceeding through the neighbourhood. The only impact on the neighbourhood was the importing of gravel for the road bedding. Mr. Eisener mentioned that the most common complaint when expanding a subdivision is the tandem truck traffic. Technology has changed over the last six to eight years and continue to evolve.

Mr. Pettipas explained that LEED (Leadership in Energy and Environmental Design) is an outside group, not a construction company, that promotes green in buildings and subdivisions. This group encourages companies to reuse as much material as possible on-site. There is no intent to get rid of quarries. Rock crushing on-site is not environmentally proper but if it is able to save greenhouse gases, destruction to the roads, keep the dust down, etc., it should be allowed.

Councillor Debbie Hum, District 16, asked if contractors are still using older technology. She suggested consideration be given by HRM staff to recommend looking at and ensuring new technology is being used.

Nora Eisener, Oakfield, mentioned that people want setbacks for these types of equipment. This would not allow the construction activities on a lot of the sites in HRM. Setbacks are not needed. Mr. Lane mentioned that setback requirements are a regulatory tool that is used frequently through land use by-laws and other uses.

Mr. Evans congratulated the Eiseners on a very green project and doesn't wish to suggest that he is against that type of use of crushers on-site. He wants HRM to make sure the proposal is reasonable. The rules need to be more restrictive.

Paul Behner, Halifax, has a contracting company that employs between 50 to 100 people. He complimented Mr. Eisener on a job well done with environmental sustainability with the industry as well as Mr. Barrett. He also mentioned that burying materials (which is done by many contractors) can possibly produce methane gas which has an environmental impact. Instead of burying, stumps can be sheared, clipped and cut. The technology is there. Wood fibre products can be made for bio-fuels and erosion control. Quarries are needed but natural resources have to be conserved. Ms. Merritt would like to see contractors stockpile the excess material (rocks, trees, soil, etc.) on-site and reuse it when they are ready to build.

Mr. Evans was concerned about the screening process used for portable crushers. Mr. Eisener explained three different processes depending on the size one is looking for. Mr. Evans stated that it is very different from a quarry that screens materials.

Dr. Armstrong mentioned that there are more emissions involved with importing/exporting materials than just CO². Burying organics produces a molecule of methane which is twenty times worse than CO²; therefore, should not be done. It should be processed and managed in an intelligent manner.

Mr. Lane summarized that the public would like to encourage green initiative but put a restrictive duration on it. Mr. Behner mentioned that there is a compressed schedule to follow as it is. If some processing can't take place on-site, a contractor would take much longer to clear the site.

Andrew Inch, a representative from one of the quarries, responded that it is not the intent of the quarries to try and prevent all rock crushing activities on construction sites as it is environmentally friendly. Quarries crush rock under very strict regulations as it is very harmful to the environment. There are issues with water runoff, silt, dust and stockpiling material (safety issues). Removing material off-site will open up a market for small contractors who will see the potential to open up small quarries under the developers. These may be contractors that don't have a concern for the environment. The argument starts to fall apart environmentally when talking about exporting material to other sites. Dropping off material at a closer site is hard to regulate. If rock crushing is allowed, it should be kept on-site.

Councillor Hum wondered how council could bring this issue forward to Stephen King, Environmental Sustainability, as an environmental initiative under HRM sustainability. Sharon Bond, Manager of Development Services mentioned that Stephen King is aware of this application. Councillor Hum would like to be involved in any meetings involving this issue.

Closing comments

Mr. Lane thanked everyone for attending the meeting.

Adjournment

The meeting adjourned at 9:03 p.m.

Public Information Meeting

Case 01058

January 30, 2008

In attendance: Councillor Rankin
Councillor Hum
Sharon Bond, Manager of Subdivision and Land Use
David Lane, Senior Planner
Shanan Pictou, Planning Technician
Gail Harnish, Planning Services

Mr. David Lane called the public information meeting (PIM) to order at 7:00 p.m. at the Halifax West High School. This is the second in a series of three meetings to consult with the public regarding amendments to all of HRM's eighteen land use by-laws with respect to temporary construction uses. Tonight's meeting is to get feedback from the Western region of the Municipality. There are eleven districts covered in this administrative region. Regrets were received from other councillors in this region who were unable to attend.

Mr. Lane advised temporary construction uses are:

- generally associated uses with ongoing construction or development projects
- people going through a permitting process
- during permitted construction periods, depending on the scale of the project, there are other uses deemed to be associated with that development and are allowed to continue for a specified period of time
- generally a potential nuisance. Some of the larger industrial uses that might have an impact on the existing land uses are portable rock crushers/asphalt plants, wood chippers and soil screeners.

Mr. Lane commented there are two sides. From the development industry, it is the efficiency of the business when they are doing a construction project to continue their work in a timely manner and not get into cost over-runs. On the other side is the environmental sustainability issue. There have been improvements in technology. There is more concern for greening of the environment. Many of us have compact florescent bulbs in our homes now. The industry is making investments in technology and equipment which brings benefits in cost efficiencies.

Mr. Lane indicated Regional Council requested that staff clarify the language that is in our land use by-laws. There was a complaint with regard to rock crushing. The rock was being transported off that site and used at other sites. The intent is not to allow that to happen. That use requires an industrial zone.

Mr. Lane advised staff started the process to seek feedback from the public and industry stakeholders on December 18, 2007. We identified some of the larger stakeholders and got them in a room with a facilitator and had a general discussion. He would try to transfer a lot of that information and knowledge to the public tonight.

Mr. Lane noted the goal of the amendment process is to:

- clarify/strengthen the language in our land use by-laws
- look for the balanced approach. The balance is between the potential effects of the nuisance and the environmental sustainability issues.

Mr. Lane confirmed tonight's presentation by staff would be the same at all three meetings. It is important to be consistent.

Mr. Lane reviewed the environmental sustainability issues:

- trucking is a big issue. There is an interest in the industry stakeholders to be able to crush rock on a site and use it on that site and not remove it and take it to one of our four quarries in HRM. There is truck traffic to move the rock from the site. One of the impacts may be to reduce the number of trucks having to remove the rock off the site and often bringing it back to the site to use.
- reduced construction traffic
- reduced greenhouse gas emissions
- there are green initiatives at all levels of government. The Municipality has several green initiatives such as Harbour Solutions and green roof technology. The Province has several initiatives through the Prosperity Act. The Federal government through Transportation, Health and Environment has numerous initiatives that try to reduce our footprint on the earth

Mr. Lane reviewed the questions for consideration:

- Should temporary construction uses be regulated?
- If so, how should they be regulated? There are different tools that we use in the industry through land use and enforcement; one is duration. We do not have proposed amendments at this point because we are in the middle of consultation but we will make those recommendations to Regional Council.
- How much consideration should be given to the two issues of environmental sustainability, and the development industry? Should we put more weight on one aspect than the other?

Mr. Lane advised the next steps in the land use by-law amendment process are:

- there will be a staff report and a recommendation back to Regional Council in two to three months time
- if Council likes what they heard, they will schedule a public hearing
- the public hearing is generally held two to three weeks later - typically Council will make a decision on the same night as the public hearing
- there is a fourteen day appeal period
- if there are no appeals following the expiration of the appeal period, the amendments take effect

Mr. Lane noted following tonight's meeting, people with input could email, fax or call him. We will also have information posted on our web page about the upcoming public hearing, when and if we get to that point. At that public hearing, you have the opportunity to give written submissions which should be submitted to the clerks office in advance of the public hearing.

The meeting was opened to public participation.

Mr. John McLeod, Halifax, suggested including a preamble to any development agreement to state “it shall be a condition of this agreement that wherever and whenever there are materials on the land encompassed by this agreement they can be utilized to reduce the carbon footprint of this development. It shall be incumbent on the developer to utilize said material or justify their non-use. In conjunction with this, Council shall process all the necessary violations to the by-law to ensure it is implemented.”

Mr. Matt Whitman, Kingswood, stated crushing of rock on construction sites should not be allowed. It should be done at approved and regulated quarry sites by the Department of the Environment. It must be separate from residents with a safe buffer zone if it does go ahead. There should be permits and it should be regulated and inspected by regulators that also monitor dust, noise and environmental impact. If permitted, it must be for a temporary period of time and only a necessary amount of time and the fines must be strict and enforced for violators.

Ms. Grace Patterson, Halifax, said we should not be allowing any crushing of rock because it would take a tremendous amount of supervision.

Mr. Cory Withrow, Beechville, stated there has to be some type of regulation. He would be opposed to any onsite crushing. He was concerned about noise, pollution and traffic. He questioned the environmental effect of onsite crushing. There are some quarries in HRM and there is a reason why they are heavily regulated where they are and have buffer zones. If there was another expansion in his subdivision, he was not sure he would want a mini-quarry in his subdivision.

Mr. Lane noted noise was mentioned. We do have a Noise By-law and two other by-laws that would be applicable to development. One of them is the Blasting By-law. The other one is the Streets By-law. There are enabling powers within those by-laws to control some of the issues. Generally developers and contractors in the industry are concerned about their public image. This is generally not a problem but it is important that the ability be there to do it when necessary to regulate it. There are provisions in the Noise By-law to address noise levels being unreasonable during certain hours. Those hours of operation vary.

Mr. Rob Cotterill, Halifax, said he disagreed with the people who have spoken so far. He did not understand how using materials onsite was harmful. He thought that was the way we should be going. Being able to use stuff where you work makes sense. He did not understand how driving it out by truck to a quarry made sense. The increase in traffic, noise, and pollution from the traffic seems to be more of a nuisance than the crushing of rock onsite.

Mr. Murray Tate, Grand Lake, professional engineer, said he was taking a bit of exception to the word “nuisance”. It seems to flag a black eye to the whole industry, particularly the construction industry. We enjoy the homes we live in. It is necessary but we need to do it in the best way we can. From a LEED point of view and environmental design, it will be very difficult to achieve the goals of the community energy plan which HRM has developed. The intent is to reduce the impact on air

quality. If you truck material from the site, you are going against the intent of LEED and environmental design.

Mr. Tate referenced the Cogswell Interchange which is a prime location for Class A facilities to be built. There is a local financial service that could be built in Halifax and if the interchange is to be destroyed, the work should be done onsite as the Infirmary was done. If restrictions are put in place, people will ask why our jobs are in Singapore and not in Halifax. Crushing the rock onsite and leaving it onsite is the best sustainable method.

Mr. Lane responded the word “nuisance” is the terminology used in our land use by-laws and is the terminology we have to use. He always tried to use the word “potential” in front of it, and did not want to give the industry a black eye.

Mr. Alan Hayman, Halifax, stated over the last several years he has become reasonably acquainted with quarries and with the construction industry. He thought there were two to three particular issues to be looked at. We need a uniform by-law that will address temporary rock crushing activities in HRM. What we need is a by-law to address asphalt plants which are regulated by the Department of the Environment (DOE). He did not think we need a regulation to deal with wood chips or soil screeners.

Mr. Hayman noted in terms of rock crushing, you can have a bit of crushing onsite for sewer and water lines and underground services. The line has to be drawn in terms of how far you go with crushing onsite. He thought it was acceptable as long as it is used onsite and not transported to another site for another purpose. If HRM does put in place a uniform by-law, it is going to encourage the establishment of mini quarries throughout HRM and all the dust and nuisance that flow from them. Quarries are heavily regulated by DOE which is an area he did not think HRM wants to get involved with. He would suggest that we move forward with a by-law that will address crushing of materials permitted onsite but not permit the crushing of material for transport.

Mr. Hayman indicated in terms of how to control it, he thought there should be a permitting process similar to the one for the Blasting By-law. There are references in the Pits and Quarries guidelines and the asphalt plant regulations that give some criteria that could be used. By using that process, HRM knows where it is going on, it forces the contractors to be accountable to HRM, and therefore HRM can be responsible to questions and concerns by the residents.

Mr. Lane referenced the notification for these meetings and noted it was worded that way because the motion of Council identified those temporary uses. The intent was to make sure we did not single out one industry. These are generally the kind of industrial uses common in the practice of land development. We are at the information gathering stage.

Mr. John Davies, Dartmouth, suggested rather than having to apply for a permit for rock crushing, there seems to be another tool on the job site. There are already noise and dust by-laws to control that. If you are going to create a permit for this, then why not for every single piece of equipment on the job site!

Mr. Lane responded the reason why it has been singled out is because of the potential nuisance effects that are above and beyond the normal construction standard practices. When a dump truck backs up it has a safety signal which is a noise level. It all comes back to that process issue. That is a requirement in the industrial zone. It is associated with another land use and the control of it is desired because there are potential nuisance effects, so it was determined it needed to be regulated. The good news is we are going through a process to re-evaluate and accommodate change and it is important that we re-visit these things on occasion to make sure we are still doing the right thing.

Mr. Royce Hefler, Sackville, said he would like to speak about wood chipping. His suggestion would be to do nothing about the first question (should temporary construction uses be regulated). Wood chipping is very necessary in the Province. Since the forestry industry is regulated by the Province, they work hand in hand with them regarding cutting and wood chipping. Wood chipping is becoming more necessary because there are two hospitals in the Province that heat their buildings with wood chips. He had a five year contract with them. He wore out three chippers in five years. He did not think wood chipping was causing any problems to many people in the Province of Nova Scotia. Since Hurricane Juan brought down half the forest, it is of no benefit to anybody but the wood chippers. The bugs got into it and they are regulated by the Federal government, so he did not think they need any more regulation in the forest industry.

Mr. Lane responded the intent of the proposed amendments to the land use by-laws is for temporary construction uses, of which they have identified wood chippers. All of the scenarios you described are not intended to be regulated by the Municipality. It is those uses generally associated with site development.

Mr. Douglas MacDougall, Halifax, small business owner, said he was interested in the business. He felt they should be able to crush onsite. As he was getting more into the business, he thought this was an opportunity to step up into the game where larger companies have the monopoly and it gives small entrepreneurs an opportunity to put that in their business plan and try to work within the regulations of the by-laws. He had a small excavation company so that is the next step. It is an opportunity to do business thinking and crushing rock onsite would be another avenue.

Mr. John McLeod, Halifax, commented we are having this meeting because people are in panic mode. He thought the emphasis should be the other way around and we should be talking about what we can do with crushers. He thought the policy makers will stand up and say you will do that on that site because we do not want to run across the city. If we are going to advise the policy-makers, we should strongly advise them that is what they should be doing. It is only one more piece of construction equipment. There are people that look at portable crushers as a declaration of war. Policy advisers need to be looking to the future and not run away from the responsibility of leadership.

Mr. Lane noted that Council, the policy-makers, passed a motion asking staff to start this process. They are going to have that debate in the proper forum which is the council chambers and not the PIM.

Mr. Jim MacLean, Bedford, stated he has been directly involved with these councillors for the past seven years. They have worked in downtown Halifax, 30' from residents and apartment buildings, and have not had one complaint regarding noise or dust. Crushers are another piece of equipment.

Mr. Jack Eisener, Fall River, said he would like to present a case study - the Halifax Infirmary. A couple of years ago, a contract was awarded and the Infirmary was being demolished and it is a occupied parking lot now for future development. Murray Demolition was given the responsibility of knocking down the building and cleaning the contamination off the site. In November of 2005, they were watching the process and suggested they could process the material and make a product they could work with. Normal process in the past would have been to cut-off the rebar and take the material to the landfill or quarry. They worked there for free for two days and did a test study for them and then walked away. The next day he got a call asking why they left. He was told they could process the material in a more cost effective way than they could. They also got a product they could utilize. They were able to save in trucking the material away.

Mr. Eisener noted in that particular case they were up against an existing structure less than 30' away. They had Dalhousie all around them and residents throughout their site. They never received a complaint about noise or dust because they controlled it. The key is control. If you control the noise and dust and you are a responsible contractor, you can work in a little area.

Mr. Eisener presented meter readings for 15 and 30 ton excavators. Everybody is familiar with having an excavator work in their backyard or in the vicinity of development. One individual said he would not approve these portable crushers but he has never seen one. He challenged people to come out and take a look at them. It does not take much footprint.

Mr. Eisener stated in terms of benefits, they were able to minimize the cost and the effect on the environment around them. They saved having to haul 14,000 tons of material off site and bringing aggregate back to the site. 14,000 tons meant they saved themselves close to 3300 tandem truck drives in downtown Halifax. This translated to 120,140 kms of highway truck traffic that did not have to happen in the downtown core. They saved themselves 2100 tandem truck tires, 69,000 litres of diesel fuel, and 400,000 lbs of CO₂.

Mr. Eisener stated people do believe there are concerns. The fear is noise and dust. He urged them to seriously look at the process and what they do. They have been doing it for six years. They looked at this and invested in this technology. They started looking at it in 1988/89 and went to Germany and studied what other cities were doing. In the 1990's/2000, there was a movement towards green. The general public has become more aware that we need to look at our CO₂ emissions. This is just one of six case studies.

Mr. Eisener expressed concern that by implementing separation distances it would mean they cannot work in their environment and they would not be able to do what they are doing. They have not had an issue. It appears there seems to be a huge outcry. Most of the complaints in the construction business are around there being a lot of dump trucks which carry mud, drive too fast, create dust, and have noisy back-up beepers. The latter is treated as being for the safety of workers in the area

and the residents within the area if they are in close proximity of where they work, but they all put up with it.

Mr. Eisener indicated crushing is another part of the process. They look at the CO₂ footprint and minimize that. A week ago Tuesday, HRM was voting on a proposal to get a grant from the Provincial government for being energy efficient, and it was a tremendous amount of money because they would save on their CO₂ footprint. They have been doing that for the last seven years.

Mr. Eisener said he would caution them against saying this is a big concern. He thought they need to evaluate it properly. He could take them to places in the downtown core where they probably did not know they were there and hopefully they will continue to be there.

Mr. Alan Streach commented he ran a landscaping business and they like to think of it as an environmentally green industry. They have been involved with it for 30+ years. He was hearing a lot of talk about large projects and the impact. If this by-law amendment is put in place, they will impact a lot of small operations as well. They use a screener from time to time to screen and amend topsoil. Topsoil in its true form is something today that is very dear to the agricultural community and the population at large. For the most part, they have an industry that is manufacturing/amending/adding compost/getting rid of waste, and sometimes wood waste and other materials get put into your topsoil.

Mr. Streach noted there are some sports fields that our children play on that have been rock for years. They were built when soils were not as well understood or they did not use the right specifications for the best drainage. He was involved in a project behind Auburn High. The field would not dry and it was wet and the City wanted it brought up to a certain specification. They ended up piling up the existing soil and they imported organic material and sand to the site because the soil on the site needed to be amended and brought up to a different specification to drain and changed the grade.

Mr. Streach indicated the process of screening the soil only takes three days but you have to have the right kind of weather. You also have to have enough space to operate. They have to be careful about bringing in regulations in terms of timing, setbacks, and when they are going to do it. Regulations make things difficult for contractors. The alternative would have been to haul the existing soil off the site and bring in another soil. They had to bring in compost and sand. There could be an instance, for example, where they did not want an extra 4' of material on the site, so you have blended the material and cannot take it off the site which makes no sense. It is a viable product that should be able to be used at another site. There is a reason for having temporary construction uses. We need to be careful that we do not regulate ourselves to death and do the wrong thing.

Mr. Lane responded it is not our intent to impact the compost industry but it is our intent to look at these kind of uses that are related to an ongoing site development project. Our intent would not be to affect projects such as the redressing of the Auburn High field. It is the projects related to a site development through the permitting process through HRM.

Mr. Shawn Eisener expressed concern that it appears they are exempting HRM.

An individual stated there are concerns such as timelines and setbacks which are difficult to handle. It will make things more costly.

Mr. Lane clarified he was talking about temporary construction uses related to an ongoing site development project. He referred to development of a subdivision where the site has to be grubbed of some of the trees in order to put in the roads. That could potentially cause nuisance effects which would start the phone ringing. Part of the process is to seek public comment. We are hearing both sides of the argument. The intent is to look at temporary construction activities.

Ms. Sharon Bond advised we are doing amendments to the LUBs. We cannot regulate somebody going into the woods and putting up a piece of equipment to do some wood clearing. We are only talking about regulating anything that has an approval process through the Municipality. There is construction happening that is incidental to that approval process. If she was applying for a permit to build an apartment building or a commercial building or a new subdivision with fifty lots, as part of that approval process we have criteria in our regulations. In terms of temporary construction uses, the wording in that section is not clear enough to regulate what we thought we could regulate. We are not in the business of regulating everything. Legally we can only regulate through the LUB. We have other by-laws that help support the enforcement of the LUB such as the Blasting By-law and the Noise By-law.

In response to an individual, Ms. Bond noted the Province has the right to exempt itself from our regulations. Resurfacing of a field, for instance, is not related to a permit under the LUB. If the Municipality is building something, it is subject to its regulations as is anybody we hire. We have been advised by Legal that the regulations in our LUBs are not clear.

Mr. Bond further clarified a development permit tells you whether or not a use is permitted. The construction permit is a combination of a development permit and a permit that allows you to proceed with construction. You would need a full construction permit to break ground.

Mr. Bruce McNeil, Bedford, civic engineer specialized in geotechnical, said he has seen contractors trying to reuse materials onsite. Lately we have seen some newer specialized equipment, relatively small equipment, being used and now the contractors think they can do this recycling quite efficiently and make it into good useable material. That all ties into green initiatives and saves the environment which is great to see. Reference was made by a gentleman about construction sites being a nuisance. He did not mind the word "nuisance". The process is a nuisance to the neighbouring homeowners if there is a new subdivision going in. All this equipment does make a lot of noise. From what he has seen these portable crushers fit right in with the trucks and the excavators. There is no additional nuisance to them. It is just another piece of equipment. A lot of these sites have excess material and a lot of unsuitable materials and in the past they have been loaded on a truck and taken away and landfilled. With this newer equipment, unsuitable materials can be processed onsite and taken to other sites. That seems to make good sense. It also seems to make sense to be able to use the excess material.

Mr. Lane asked for confirmation that Mr. McNeil supported being able to transport the excess material off the site for use on other sites.

Mr. McNeil responded yes.

Mr. Shawn Eisener said they talked about this applying to developers and referred to a subdivision and permits associated with that. Say we go to tender a job with HRM and are putting in a water line with rock, and they identify there is rock and they have the ability to process it onsite. Is that now exempt? Are they then able to crush the material onsite and how do they operate if the by-law requires a setback of 50 m when they work on a public street? Does that setback apply? You have two different laws. It is okay for HRM but if you work for a developer you are not allowed to do it. It is very confusing.

Ms. Bond advised the Municipality builds many roads as part of the subdivision process in our Business Parks. Obviously that is an approval process and going through the same process and all the regulations apply. Generally it is clarified in HRM tenders that you have to adhere to HRM regulations. Council would want you to abide by the same regulations they decided are appropriate. We do not know yet what the regulations will be. It would be due diligence for our tenders to reflect the consistency and business practices out there.

Mr. John McLeod commented he thought what we are hearing is that the industry feels like it has to defend itself. It feels like it is under attack and should not feel that way. There should be no necessity for them to feel they have to defend themselves. Data is being collected because somebody said we have a problem when they should have said maybe we better adjust our by-laws. Let's catch up to the rest of the world, and the people in our neighbourhood are leading the way and they have not had any complaints. Nobody is declaring war. People are starting to take those few steps forward. We all take our bottles to the recycler and we take our green carts out to the curb. We do it; it is the future. He was going into his forty-second year of construction and saw the beginning a long time ago. He had no problem supporting what Jack has been talking about and anybody else wanting to do it.

Mr. Lane stated we have a mandated process to go through. At the end of the process, Council will make a recommendation. There will be alternatives. Council will have their own debate. We have to go through this process and hopefully will get all the bases covered so there is good debate about the issues and a reasonable conclusion.

Mr. Paul Behner, Halifax, said he grew up in the Kearney Lake Road area of Halifax. He grew up across Kearney Lake from a quarry. He watched it go from a cliff to a flat bottom and it is no longer a quarry. He was around the Kearney Lake area when Gateway Quarry started. They really should have been finished five to seven years ago but they kept finding rock. His issue has never been about quarries.

Mr. Behner stated they are a small company and are trying to do the right thing - wasting less and doing more with unsuitable materials. As a contractor we get a full meal deal and we are left with

the full meal deal. We have to deal with deficient and quarry materials. They used to have to transport the material from miles away. Why are we wasting all this material? In twenty years of business he has seen them put stuff in trucks and haul it away. There is too much technology around.

Mr. Behner indicated many contractors set a precedent by chipping trees. It is proven to work. It is an industrial piece of equipment. They are working in residential areas. Chippers are a solution; screeners are a solution; and crushers are a solution. Solutions to problems contractors are faced with. Trucks are not a solution; it is necessary. An over amount of trucking is not necessary. It is a waste of energy. We are into recycling and recycling waste. We are digging up places we filled in ten years ago and finding stuff we buried underneath. That is a waste of energy. Why not recycle the material at source and use it onsite.

Mr. Behner indicated they always have too much material. He did not think the answer is to drive by a site that needs it. They proposed this in a demonstration project. They connected two sites. They saved 147,000 kms of truck traffic in downtown Dartmouth. There are benefits to the materials they can process. We are left with an unuseable amount of material so why not use what you need and ship the rest to a nearby site. That is environmentally sustainable.

Mr. John Davies noted in terms of a minimum distance from a site, Jack talked about working 30' from a building. If there are regulations controlling the amount of dust and noise, it should not matter whether they are 15' or 300' away.

Jason... said he was twenty-five years old and hoped to be on this earth for quite some time and he was hoping the contractors here are taking into consideration our future, his future, and his children's future. How long are quarries going to be sustainable? If we dig rock from there and take away resources, it would seem we will have to build them further away and create longer distances for trucks to travel and increase the price of material. The amount of truck traffic he took off the road kind of blows his mind. One of the biggest things people talk about is the shape of our roads and how rough they are. If you take more heavy truck traffic off the road, they will last longer.

The meeting adjourned at 8:50 p.m.

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE # 01058 - Rock Crushers**

**7:00 p.m.
Wednesday, February 6, 2008
Dartmouth High School (Cafeteria)**

IN ATTENDANCE: David Lane, Planner, Planning Services
Sharlene Seaman, Planning Controller, Planning Services
Hilary Campbell, Planning Technician, Planning Services
Sharon Bond, Manager of S/D & Land Use Compliance
Kurt Pyle, Supervisor, Planning Applications

**ALSO IN
ATTENDANCE:** Councillor Jim Smith, District 9
Councillor Bill Karsten, District 7
Councillor Andrew Younger, District 6
Councillor Gloria McCluskey, District 5

**PUBLIC IN
ATTENDANCE:** 35

Opening remarks/Introductions/Purpose of meeting - David Lane

Mr. David Lane called the public information meeting (PIM) to order at 7:00 p.m. and advised those in attendance that this was the third of three meetings to consult with the public regarding amendments to all of HRM's eighteen land use by-laws with respect to temporary construction uses. This meeting was to get feedback from the Eastern region of the Municipality.

Mr. Lane advised temporary construction uses are:

- generally associated uses with ongoing construction or development projects
- people going through a permitting process
- during permitted construction periods, depending on the scale of the project, there are other uses deemed to be associated with that development and are allowed to continue for a specified period of time
- generally a potential nuisance. Some of the larger industrial uses that might have an impact on the existing land uses are portable rock crushers/asphalt plants, wood chippers and soil screeners.

Mr. Lane advised temporary construction uses are uses that we commonly see in industrial practices when major development projects that required a permit from Halifax Regional Municipality (HRM) under the Land Use By-Law (LUB) or the Subdivision By-Law such as a new residential subdivision. This involves land preparation, where there are trucks and heavy pieces of equipment

used in projects that usually take a long period of time. There are some regulations in the LUB that have put restrictions on the time period of which portable rock crushers, wood chippers and soil screeners are used.

Mr. Lane indicated Regional Council requested that staff clarify the language that is in our land use by-laws. There was a complaint with regard to rock crushing. The rock was being transported off that site and used at other sites. The intent is not to allow that to happen. That use requires an industrial zone.

Mr. Lane advised staff started the process to seek feedback from the public and industry stakeholders on December 18, 2007. We identified some of the larger stakeholders and got them in a room with a facilitator and had a general discussion. He would try to transfer a lot of that information and knowledge to the public tonight.

Mr. Lane noted the goal of the amendment process is to:

- clarify/strengthen the language in our land use by-laws
- look for the balanced approach. The balance is between the potential effects of the nuisance and the environmental sustainability issues.

Mr. Lane confirmed tonight's presentation by staff would be the same at all three meetings. It is important to be consistent.

Mr. Lane reviewed the environmental sustainability issues:

- trucking is a big issue. There is an interest in the industry stakeholders to be able to crush rock on a site and use it on that site and not remove it and take it to one of our four quarries in HRM. There is truck traffic to move the rock from the site. One of the impacts may be to reduce the number of trucks having to remove the rock off the site and often bringing it back to the site to use.
- reduced construction traffic
- reduced greenhouse gas emissions
- there are green initiatives at all levels of government. The Municipality has several green initiatives such as Harbour Solutions and green roof technology. The Province has several initiatives through the Prosperity Act. The Federal government through Transportation, Health and Environment has numerous green initiatives.

Mr. Lane reviewed three questions for consideration:

- Should temporary construction uses be regulated or should we let them go?
- If yes, how should they be regulated? There are different tools that we use in the industry through land use and enforcement.
- How much consideration should be given to the two issues of environmental sustainability, and the development industry? Should we put more weight on one aspect than the other?

Overview of planning process - David Lane

Mr. Lane advised the next steps in the land use by-law amendment process are:

- there will be a staff report and a recommendation back to Regional Council in two to three months time
- if Council likes what they heard, they will schedule a public hearing
- the public hearing is generally held two to three weeks later - typically Council will make a decision on the same night as the public hearing
- there is a fourteen day appeal period
- if there are no appeals following the expiration of the appeal period, the amendments take effect

Mr. Lane noted following tonight's meeting, people with input could email, fax or call him. We will also have information posted on our web page about the upcoming public hearing, when and if we get to that point. At that public hearing, you have the opportunity to give written submissions which should be submitted to the clerks office in advance of the public hearing.

The meeting was opened to public participation.

Questions/Comments

Stan Kochanoff, a professional Planner with a private practice, asks if Mr. Lane is referring to trucking materials off sight to somewhere else or trucking uses bringing materials to a quarry.

Mr. Lane advised that he would be addressing both issues as he was speaking about what could be perceived as a potential nuisance effect to an existing residential neighborhood or an institutional land use.

Mr. Kochanoff asked if the reason for the meeting was because there was a complaint caused by trucking material to or from a site.

Mr. Lane advised that the complaint was caused by trucking from a site and processed elsewhere.

Ron Richards, a representative of Dartmouth Crossing Limited (DCL), asked who advised HRM to look into this particular issue.

Sharon Bond, Manager of Subdivision Development & Land Use Compliance, stated that the HRM lawyer advised them to look further into this issue as the language needed to be clarified for the legislation.

Mr. Richards asks if there were any complaints that brought these meetings about.

Ms. Bond advised that yes, there was a case that they were dealing with and discussing with Legal.

Mr. Richards asked what other types of permits and purposes there are for pits and quarries as he was only aware of operational permits to make sure pits and quarries are run correctly and are properly rehabilitated after the fact.

Mr. Lane advised that his understanding was that there is an environmental review process to have a quarry established and this takes a lot of time, effort and money. This was the biggest regulation that was faced.

Mr. Richards states that as a developer , he does not share the same position as the quarry operators but in fact seen himself on the sustainability side of the equation.

Mr. Lane clarified the term “development industry” as a term he was using for a “lay person” and is not intended to identify developers apart from quarry operators.

Mr. John McLeod asked how many complaints it would take for this process to be initiated and was there a set number of complaints.

Ms. Bond advised that it was not just one complaint and this process could have come at any point in time. There were no set number that triggered these meetings.

Mr. McLeod asked if this process had ever been started prior to this meeting.

Mr. Lane advised that yes, the issue was brought to light prior to and these public meetings were important as it effects over 18 Land Use By-Laws (LUB’s) and covers three regions.

Mr. Mike Hawker, Mineville asked the definition for Residential.

Mr. Lane advised that Residential Land Use is where there are dwellings that are occupied for the purposes of residential land use. He gave Bayers Lake Business Park as an example of Commercial Land Use.

Mr. Richards asked how many of the LUB’s contain provisions that control temporary uses such as the case at hand.

Ms. Sharon bond explained that every one of the LUB’s have provisions with respect to temporary uses but there is only one in particular has extensive restriction with respect to rock crushers.

Ms. Joyce Evans, Hammonds Plains told about a bad experience of one large blast that she felt years ago in Hammonds Plains. Some environmental negatives were:

- There were blast rocks lobbed at the Nova Scotia Power commission tower and lines.
- The rock included acid slates which leaked into nearby streams resulting in increased PH balanced in water.
- There was no monitoring. The Department of Environment (DOE) passed the buck to Halifax County and they passed it back DOE.

- A DOE inspector went to the site at one point and was boxed in by trucks and forced to leave the site without completing his inspection.
- There was no prosecution for this obstructive action.
- Residents took samples from the stream and proved to the DOE that it contained high levels of acid. DOE finally closed down the operation after many challenges and many years.
- The residents felt like they could not rely on anyone.
- Halifax County claimed themselves powerless to do anything.
- This temporary site, if allowed to continue, may have lasted for years as the proponent developed the surrounding lands.
- If not detected by residents, the acid slate may have been crushed and mixed with hard rock and distributed throughout this site and maybe other sites.
- Both the DOE and the County of Halifax claimed they did not have the resources to monitor and inspect every temporary blasting or quarry site and claimed their enforcement was complaint driven. The problem with this was that they “closed the barn door after the horse had bolted”.
- If there had been sufficient controls in place, these problems could be avoided rather than dealt with after the fact. There should to be penalties.

Ms. Evans lastly stated that she was a very caring environmentalist who cares very much about sustainability and she will leave a small footprint environmentally.

Mr. Lane recognized Councillor Gloria McCluskey, Councillor Andrew Younger, Councillor Jim Smith and Councillor Bill Karsten as being present.

Ms. Margot Young, Environmental Design and Management (EDM) spoke on behalf of a planning and engineering firm. She stated that she was not there to talk about the rock crushing thing but there to talk about materials. She talked about the materials transport issue and the idea of marring up sites.

She stated that when doing development design, you are ripping up a place and then putting it back together. She made aware the activities that happen between sites:

- Tree clearing happens at the beginning. The mulch is not need until much later. She believes that sites can be married up with another site that is in need.
- Plan salvage is moving material from one site to another such as trees.
- Timing is very critical for these processes. Example: One site she is aware of is a garden that was looking for lady slipper flowers. She has called them when she sees she can give them from another site and they come pick them up.
- Rock - bolder walls is a huge part if architecture and landscape. Native rock would be best to use. The character cannot be mimicked. Example: Downtown Dartmouth. White crushed granite is a fabulous surface from a landscape prospective but it can only be retrieved through other sites that dig it up and have a surplus.
- Recycling - She spoke about industry using recycled material.

Ms. Young replied to one of Mr. Lanes opening questions. She believes these quarry activities should be regulated. She believes that the issues aren't the materials but the transport noise and noise created in terms of how the materials are processed. She believes the problem is based more around the machinery, equipment and the timing as opposed to the material itself.

Mr. Ross Evans, Pockwock Road, spoke at a previous meeting stating that a development agreement would control risks. He advised that he now believes this to be untrue. He believes that on-site quarry blasting may have a bigger environmental impact than acceptable due to lack of controls. He stated that the cost of pleasing this type of construction site has to be collected from the contractor before the work is done. This might avoid the possibility of a company with no assets from going bankrupt and leaving the tax payers with a big bill. Mr. Evans claimed that sites designed by qualified engineers should end up requiring a "no removal of rock" and limited trucking to the site.

Mr. Kochanoff believes that there should be some sort of regulation when it comes to Mr. Lanes initial questions - Should temporary construction uses be regulated? He believes that it might work if it were done through a development agreement or a particular provision depending on the site.

He is concerned about the wood chipping and the soil part of it. He would like to see these things taken care of on site as opposed to trucked away. When these materials are trucked to other places, they may create sink holes over a period of four or five years.

He spoke of an article about what happened at the Halifax Infirmary with the rock and concrete material. There were lots of tires, fuel and mileage saved. Rock crushing seemed to be a very sustainable way to look at future development.

Mr. Kochanoff believed that trees are taken for granted in Nova Scotia. Trees are increasing important in terms of the environment and the carbon footprint that we want to leave behind. As well as the energy savings they offer.

Mr. Paul Miller, a lawyer with Blackburn English Law Offices, Bedford, (and a resident of Fall River) has been involved on behalf of the residents association in quarry and crushing issues for over thirty years. He has been a participant in quarry related activities involving Council hearings related to the impact of quarries on neighboring residents. He stated that the issue of temporary quarrying and crushing of rock isn't new. In the past it has been allowed in some jurisdictions when the quarrying and crushing was necessary for the development of lands or roads and when the product was used on site. He stated that occasionally the use of temporary crushers and quarries had been abused by operators and used as an "end run" around DOE regulations and pit quarry guidelines. There had been documented incidents where temporary quarry and crushers operations had operated for months or years with no end in site and without infrastructure necessary to mitigate deleterious effects such as run offs, to the detriment of nearby residential and commercial uses. He stated that impacts of quarries and crushers. A blast designed to displace rock for a road doesn't necessarily result in the rock being reduced to a size where it is easily crushed. To reduce the size

it may take a second blast or a larger blast charge. This may pose both a danger and annoyance to their nearby residential and commercial uses. Another annoyance is dust created.

He stated that runoff could have a major impact on down stream uses and on watercourses. There is little regulation or supervision for temporary quarries or crushers. A major concern with runoff is the exposure of acid slate. Once exposed, acid slate should be isolated and removed from the site. Without the proper monitoring acid slate most often it gets buried or crushed with the hard rock. Removal means higher costs to the development project. He believed there is some merit to allowing temporary quarries and crushers in areas under development if strictly controlled and monitored. In some instances, the use of crushed stone on site reduces truck traffic and additional negative impacts of additional truck traffic. He urged the municipality to require permits for temporary quarrying or crushing outside of an established provincially regulated quarry. This process could address traffic, dust, blasting, noise, runoff issues and protects neighboring issues. The municipality may wish to require an engineers certificate as to the impacts and the mitigation of negative impacts before permitting a temporary site. All costs should be included in the permit fee so there would not be any additional cost to the taxpayers. He also recommended that the use of temporary quarries and crushers be regulated with a maximum time span. It is not reasonable to include a "temporary" quarry and crusher to operate continuously for development phased in multiple phases. To allow this is to encourage an "end run" around provincial regulation of permanent quarries and crushers. It is not in the interest of the public to allow temporary quarries and crushers to avoid costs and put the public at risk. He does not think that temporary quarries and crushers should operate for more than one month at a time at a site. He urged restriction on the importation of product offsite to the temporary site to be crushed or quarried and a further restriction, restricting the exporting of quarried or crushed product from the site to another site. Commercial transactions, including on site transactions, should also be restricted. He stated the hours of operation be restricted to minimize the impacts on nearby residential and commercial uses. Not around the clock, weekends or holidays. He recommends a particular site specific monitoring program and reporting program be specified in any permit issued. Lastly, he stated that a performance bond and rehabilitation bond be required as a permit condition. This allows recourse against the bond to cover the cost of fixing any problems or rehabilitation to the site. Non compliance should be the "cost of doing business".

Mr. Kim Conrad, Conrad transport Limited, advised that he had been involved with quarries for many years. The company had always been environmentally friendly. Their wash system for aggregates had been used as a model since nineteen sixty five for the DOE to show how you can recycle water from a system without effecting the natural watercourses. He also believed that the recycling is a great idea. He state that these developments still have to be done in an efficient manor. He believed that most contractors have environmental concerns. He supported the development for DCL and reminded people that when the one eighteen highway was built, he was a resident in that area and he could almost walk on the lake that he normally could water-ski on. However, the lake system cleaned itself out. He believed in crushing and keeping it on site. He also believed that the by laws and regulations have not caught up to the way development has to be done. He stated that there was noise and dust with crushing. He wished that there were other delivery methods other than trucks, which would avoid dust. He asked the city a few years back - what are the regulation for

quarries? The definition by the DOE for a quarry is: when you drill/blast and/or crush rock to ship offsite to a commercial operation or to a customer, it is considered a quarry. He was told in nineteen seventy that there would not be any city crushers and they could no longer use their crushers on the city section of their quarry, although they were provincially regulated. He was put out by this as other companies were crushing, shipping, blasting and competing for the same business he was in. His company spent a lot of time, effort and money monitoring dust, wire and ground vibration. As they were trying to be good corporate citizens. He stated that DCL did upset him a little as there was a half million tun being crushed onsite. When the lands were sold, the new owner used the materials for there own personal use. He would just like to know what the rules are. He is concerned as a quarry operator of By-law enforcement. He would like the rules to be followed by all. Lastly he stated that the new subdivisions should maybe have a back road plan to avoid the dust and traffic from the trucks. This may reduce complaints.

Ms. Jennifer Eisener, Spring Garden Road, spoke on behalf of the younger generation. She was concerned. She speaks about building a green home and a green school. She stated that everyone should make the environment their business. Being green will be in out best interest. She believes that the portable machinery is in her best interest. This limits greenhouse gas emissions, minimizes the fuel and truck tires and keeps trucks off the road. There are noise, vibration and dust By-Laws. There are minimal complaints when the rules are abided by. She stated that setbacks were not relevant but the nuisances such as beepers on trucks, traffic were. She gave examples of recycling and green efforts at home that are nuisances. She stated that we must do things that we are not always happy with to save our environment. She thanked everyone for there innovation.

Mr. Shawn Eisener, a professional engineer, Fall river, used a DB meter of which he would capture the volume that was generated by him speaking on the microphone. He believed he was representing the next generation of entrepreneur, citizen and a taxpayer of HRM. He stated that trucks are the number one complaint relating to construction activity and the community is impacted by this. He stated that one dump truck loaded does three thousand times more damage to the road than one vehicle. He spoke on portable crushing as it has an impact on him. Portable crushers have the ability to take more trucks off HRM roads than any other piece of construction equipment being used today. His company invested, seven years ago, in the first LT105 tracked crusher in Atlantic Canada. They started operating under the By-Law and the Provincial guidelines to process material onsite for the purpose of onsite use. It had been a successful seven years with no complaints. He refers to a Herring Cove construction project done in two thousand five and two thousand six. It was an installation for HRM of thirty-five hundred meters of water main, eight hundred meters of sewer and services to one hundred seventy five residents within HRM. The total aggregate requirement was estimated to be forty thousand tons. The site was littered with boulders which they did not have to blast and areas that blasting had to take place with or without portable crushers. He stated that using a portable crusher, they were able to manufacture material onsite for pipefitting and other uses and facilitated a need to provide gravel for twenty three thousand tons. The benefit for the residents on Herring Cove Road was that his company took roughly fifty five hundred trucks off the road that would have been traveling in front of their houses. He advised that there were approximately one hundred thirty thousand kilometers of truck traffic eliminated, twenty two tires, seventy four thousand liters of diesel fuel and the prevention of over four hundred thousand pounds of CO2 from

being emitted. They processed the rock material and used it onsite and saved twenty three thousand tons of aggregate from a quarry that could be used for the future generation.

He focused on six different case studies. Each represented different types of construction. Some had existing rock on site. Of the six, over three hundred thousand kilometers of truck traffic were taken off HRM roads, over fifty two tires were not replaced on trucks, one hundred and seventy five thousand liters of diesel fuel was not burned, over one million pounds of CO₂ was not emitted, fifty three thousand tons of material was not land filled and forty plus thousand tons of materials was not depleted from the quarries. He stated that in two thousand six, other contractors followed his companies lead and purchased similar types of equipment. He believed there are six or seven contractors in Nova Scotia that operate portable crushers. He believed the root cause of the meeting was that someone entering into the market of portable crushing decided to test the wording of the guidelines and By-Laws by exporting. This lead to concern over exporting manufactured material from a construction site, exporting manufactured material with the intent to crush on another site. He felt that another concern was that exporting competes with quarry business and exporting increased trucks on the road. His biggest concern was that the HRM amendment will target the equipment as a means to address the issue of export. He felt that it makes more sense to crush onsite. He reviewed the already proposed regulations and rules expressed from others at this meeting and believes that HRM cannot support any of the regulation noted. He reviewed the process and stated that some projects cannot have a time frame. He advised that the portable crusher was just another construction tool, is having a measurable impact on the community and is not a monster. Crushing equipment can operate under the existing By-Laws and believes that all HRM should do with this is to enforce existing By-Laws and not produce more.

He gave some facts:

- Crushing equipment has dust suppression systems. The crushers produce less dust if managed properly by a responsible contractor than a truck driving across all construction sites.
- The equipment results in less noise pollution than other commonly used equipment. At a distance of fifteen meters, a thirty ton excavator digging in measures approximately ninety two decibels.
- A Dump truck pulling away, measuring from the side, was ninety five decibels and from behind was eighty nine decibels. Being loaded with rock, the first bucket is one hundred and two decibels. Dumping was ninety four decibels and the tail gate slamming was one hundred six decibels.
- Both the jaw and cone crusher operating at a fifteen meter distance measured at eighty nine decibels.
- The equipment was designed to operate in the urban setting, close to existing buildings. Large excavators and all climbing trucks cause more nuisance and danger to the public.
- On a construction project the equipment is used temporarily within the expected time limit of the approved construction project. Any construction project in HRM already goes through detailed thorough approval process prior to construction. A permit is issued to allow for the site to be altered.

- Crushers can operate successfully within HRM. It has been proven by his company for almost seven years. He supports and encourages innovative equipment that makes sense and benefits everyone.
- Any amendment to the By-Law should address exporting only and provide clarification to control the export of manufactured material for onsite, from one site to another. Also with the intent to crush.
- Portable crushing is an evolution in construction. It is sustainable, its green, it offers economical advantages to all, it benefits the whole community, it makes common sense and it is being embraced around the world. HRM should promote it, encourage, embrace it and think about the future.
- Adding more red tape would be a backwards move in a time where everyone should be proactive. (The DB meter read was ninety five point one.)

Ron Richards, DCL supported the “Greener dig”. This recommended the onsite crushing of stone. There were huge savings to the environment at DCL. There was a savings of one million ton of fuel. Trees were sold and this was used for bio fuel. As a result of the development, DCL was able to rehabilitate two trout streams through the former quarry. They will continue to create connectivity to trails. He stated that, in terms of construction, buildings was driven by lead principles, which is leadership, environment and engineering design. This was one of the top green initiatives that is being promoted worldwide. They also recreated a trout spawning pond largely by hand behind the Wal-mart. Dollar savings were substantial as a result of moving the rock onsite. The rock, in volume, was equal to the Queen Mary ocean liner. He stated that if not able to use the portable crusher onsite, this project would unlikely be viable. This appears to be an effort to protect the old business of quarrying and pits in the face of modern technology and environmental responsibility. DCL removed an asphalt plant, they removed a construction and demolition dump from the site, they rehabilitated a former quarry. There were no new quarries made as the land was restored. He believes there are nuisance By-Laws and that is what should be used to control and regulate this particular aspect of the construction. This is not, in his opinion, a land use issue but more a nuisance issue and should be regulated as such. DCL is concerned about the restriction of exporting rock from one site to another. There are still three hundred acres to be developed at DCL. He asked if they were to be restricted from moving rock from one end of the site to the other as there are now roads existing. He asked why rock is different from soil or trees that are regularly moved from sites and soil. He asked if it is because rock is a commodity that is controlled by others. DCL sees no reason to unreasonably restrict this activity as it would be a return to the stone age. Mr. Richards stated that temporary construction uses should be regulated through nuisance By-Laws and not Land Use By-Laws. All development should be controlled by development permit or otherwise. He agrees that sites need to be engineered properly. He does not support the abuse of temporary crushing and should be controlled through nuisance By-Laws. Ideally sites are balanced and materials could be processed onsite and exported efficiently and effectively. The environment should take precedence. Sustainability should be paramount and balanced reasonably. He stated that there are new equipment and technology and the contractors using such initiatives should be recognized.

Rachel Eisener, a grade eleven student, a green representative on student council and a green rep on the HRM youth advisory committee, wanted to state a green message. She believes that as a

municipality, we should accept and promote acts that will reduce our negative impact on the earth so the future generations will not have this struggle. She states that the goal for Nova Scotia is to protect the environment with big and small actions. Portable crushing is an environmentally friendly benefit and it reduces road damage, air pollution and waste in the community. She stated that current decisions would greatly effect the future environment that she will be living in.

Mr. Conrad wanted to know the rules surrounding the issues at hand and advises that the laws must change as well. He stated to make the rules make sense and everyone could live in this together.

Mr. McLeod made a point that some people are in danger of falling into a logic trap which may result in false conclusions. He gave a logical comment - Its logical to assume that when it is raining the streets are wet. It is not true that just because the streets are wet it is logical to assume it is raining.

He stated that some people are blinded by the benefits of processing materials onsite by semantics and the demonizing connotations people had come to associate with quarries. Quarries and temporary construction are not the same thing and they have different responsibilities.

Closing comments

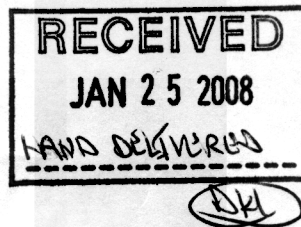
Mr. Lane thanked everyone for attending and for their comments.

Adjournment

The meeting adjourned at 9:00 p.m.

**Nova Scotia Road Builders Association**Suite 217, 11 Thornhill Dr., Halifax, N.S. B3B 1R9
Phone (902) 405-3497 Fax (902) 404-3060 www.nsrba.ca

January 23, 2007

David Lane,
Roger Wells, and
Sharon Bond
Halifax Regional Municipality
P.O. Box 1749
Halifax, NS B3J 3A5

Dear David, Roger and Sharon:

Re: Temporary Processing Activities on Construction Sites

The Nova Scotia Road Builders Association (the "NSRBA") is writing this letter to express a common position in support of a new bylaw to regulate temporary rock crushing. As a practice, the NSRBA only takes positions on matters of grave importance affecting the industry. The NSRBA represents contractors working in Nova Scotia who are engaged in road, bridge, heavy civil, marine, sewer and watermain construction. These are the key industry stakeholders who appear to have a direct interest in the creation of a new bylaw to regulate temporary construction activities within HRM. Our members include contractors who operate portable rock crushers as well as quarry operators within HRM.

The heavy construction industry is essential to development in all sectors from industrial to commercial to residential. Site clearing and excavation and fill are necessary components of nearly every form of construction. Everyone shares in the benefits produced by this industry, including new or revitalized building and development and indirect economic returns such as employment and business activity. At the same time, sustainability is now recognized as the foundation of our future. The NSRBA is committed to sustainable development and "GREEN" initiatives that mitigate the depletion of our resources, provide benefits to our community and reduce our burden on the environment.

Although there has been an understanding by those operating in the construction industry that rock found onsite can sometimes be crushed and used on that same site, it has never been understood that contractors can crush rock on one site and then export it to another site. Similarly it has never been understood that contractors can crush rock that has been imported to a new site for the purpose of being crushed. Crushing onsite for use onsite makes sense in terms of economic efficiency and environmental impacts. However, producing aggregate for use on other sites is effectively the same business that is carried on by quarries regulated by the Department of Environment and Labour. These activities should not be carried on by contractors operating portable rock crushers.



Nova Scotia Road Builders Association

Suite 217, 11 Thornhill Dr., Halifax, N.S. B3B 1R9
Phone (902) 405-3497 Fax (902) 404-3060 www.nsrba.ca

We are concerned that new regulation might affect current construction practices beyond what was initially intended. To be clear, we support a new bylaw that creates rules which only affect portable rock crushing operations. This activity is specifically characterized by the processing of rock material into a new finished product: sized gravel, which is then sought to be used in its new form. It is only toward this activity that the new bylaw should be directed. Primary construction activities such as excavation, rock breaking, blasting, and grinding of grubbings for removal, among many others, should be excluded from the current bylaw implementation process because those activities are different. They are necessary processes inherent to any development and have been in use for many years. To lump these activities together with rock crushing would require a much deeper and more complex probing of the broad ranging effects on the industry. Similarly, on demolition contracts, there should be no impediment to crushing old building concrete, brick or mortar, and removing it offsite. The new bylaw should be restricted to address only the temporary "processing" of the rock that is excavated from construction sites.

While there is some slight difference of opinion among the NSRBA members and other stakeholders about the specific details to be incorporated into a new bylaw, we support the creation of a new bylaw for temporary rock crushing activities that includes the following general guidelines:

- 1) Rock that forms part of the land of a development site may be processed using a portable crusher only if all of the processed rock is used on that same site.**
- 2) Rock that has been crushed onsite may not be exported to another site.**
- 3) Rock that has been imported from a foreign site may not be crushed if it was imported for the purpose of being crushed.**

By incorporating these broad requirements into a new bylaw, HRM can ensure that residents are protected and at the same time allow construction activity to continue in a manner that is fair and consistent among all contractors big and small. The endorsement of the guidelines above by the NSRBA, representing the main industry stakeholders, should be given considerable weight by both staff and HRM Council in the development of a new bylaw. Our members are the contractors and suppliers who have livelihoods at stake, a concern for the industry as a whole, and a nuanced understanding about the activity sought to be regulated.



Nova Scotia Road Builders Association

Suite 217, 11 Thornhill Dr., Halifax, N.S. B3B 1R9
Phone (902) 405-3497 Fax (902) 404-3060 www.nsrba.ca

SIGNED by the President and Directors of the NSRBA endorsing the incorporation of the above requirements into a new bylaw for the regulation of temporary rock crushing activities,

**Don Maillet, Lafarge Construction
President**

**Paul White, Nova Construction Ltd.
Vice-President**

**Carl Baillie, Municipal Ready Mix Ltd.
Immediate Past President**

**Marcel Poitras, Dexter Construction Ltd.
Director**

**Brad Scott, Basin Contracting Ltd.
Director**

**Andrew Lake, Will-Kare Paving
Director**

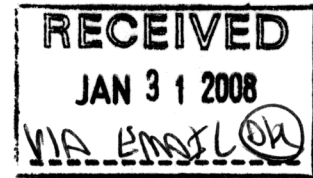
**Ron Dunn, S.W. Weeks Construction Ltd.
Director**

**Trevor Chisholm, ACL Construction Ltd.
Director**

**John MacLean, S. Norman Sancton & Son
Director**

**Guy Kendziora, McAsphalt Industries Ltd.
Director**

Halifax Regional Municipality
P.O. Box 1749
Halifax, N.S.



Attention: David K. Lane MCIP AICP
Senior Planner

Re: Public Meeting Held at Halifax West High School January 30th.

Dear Sir:

In accordance with your request I am forwarding my statement made at the above meeting to insure that my comments are recorded as spoken.

What I said is and I quote "Since you have asked for specific recommendations to take back to council I would make the following specific recommendation to you."

Recommendation: I would like for you to advise council to include the following statement in any and all present and future development agreements at the very beginning, perhaps as a preamble.

"It shall be a condition of this agreement that whenever and wherever there are materials on the lands encompassed by this agreement, that can be utilized to reduce the carbon footprint of this development it shall be incumbent upon the developer to utilize said materials on this development or justify their non use."

As a point of clarification I have added the words "on this development" to my statement to reflect my intent that such materials are not for export from the development site.

I also said that in conjunction with this, council should provide all the necessary variances to existing bylaws to insure that the aforesaid is implemented.

What I am trying to convey, with my limited abilities, is that I believe it is time to recognize the need to change and adapt our ways of thinking accordingly. The world is waking up to the reality of the affects of the first stages of climate change and we should try to show leadership as a region by adopting policies and procedures that others can point to as positive progressive steps on the road into the future. We should do this before pieces of Greenland Icebergs the size of Cape Breton start crashing into our oil and gas production platforms and threatening our fishing industry.

Thank you for the opportunity to have input into this discussion.

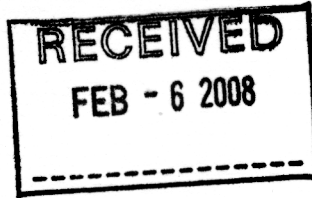
John McLeod



P.O. Box 2129, Dartmouth,
Nova Scotia, Canada
B2W 3Y2

Phone: Order Desk: (902) 435-3233
Office: (902) 434-3660
Fax: (902) 462-0318

February 6, 2008



Good Afternoon,

I have read through the Pro Crushing on site submissions in the local Chronicle Herald and understand the proponents want to show an environmentally progressive approach to construction and development work.

Crushing and screening operations, portable as well as stationary, by their very nature, create levels of dust and noise. It doesn't surprise me that there were no complaints received by the operator of the onsite crusher. The probable reason is, there is nobody to lodge concerns, or complaints with, since there is no registration process for the onsite recycling/crushing/screening operations with either HRM, or NSDEL.

There doesn't necessarily have to be a separate permit for each operation on a development site, but within the development permit, it could be stated that the crushing and screening is part of the overall plan. At least then, HRM staff would know what any people making comments, or complaints were talking about.

The fact of the matter is, simply because one is trying to convince the public that they are only looking out for the environment, doesn't exempt them from noise, or dust limits of HRM, or from following sections of the environment act, which include guidelines and definitions for various activities.

The pit and quarry guidelines, along with conditions and attachments to permits for these activities set out by the department of the environment, tell us that the if you drill, blast, crush, screen and transport a finished product offsite, that is a quarry and you require a quarry permit. This is what we have to abide by, like it or not.

NSDOT projects have their own rules in place for temporary quarries, this however doesn't exempt them from environmental rules and regulations. If anyone wishes to have any of the current laws changed, they should go through the proper channels with the Department of the Environment. Until then, these are the rules that we all have to abide by, not just some of us.

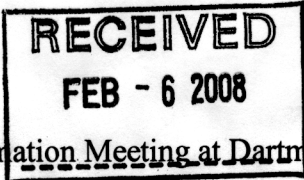
As far as crushing on site, Conrad Bros. Ltd. was told in the early 70's to halt crushing on lands we owned within the City limits, even though we had all permits required by government at the time. "No City crushing" was what we were told. This is one reason that I asked the question to both the Province and the City nearly 2 years ago. I have no problem with onsite recycling, or crushing of excess material for use on that site, as long as the bylaws, or regulations are updated and followed by all.

The bottom line is that as times change, industry must evolve and we have to make sure the laws evolve to make new methods possible. In the meantime, we have to try and follow the present laws of the land however obscure, or out dated they seem to be. Thank you for reading my comments.

Yours truly,

Kim Conrad, President
Conrad Brothers Limited

Submitted by Joyce Parzy - Dartmouth



January, 2008

To: Chairman of Public Information Meeting at Dartmouth High School

We understand that the Halifax Regional Municipality is considering amending its by-law regarding temporary construction uses according to the notice that was in the newspaper. A by-law preventing temporary construction uses is definitively needed.

For the past several months, Trax Construction have been crushing rock at the end of Trinity Avenue and hauling the material away from the site.

Some of us have called the company and complained about the noise and dust from the rock crushers and other heavy equipment. The company says it will look into the matter, but has continued. We have called and complained to the police, but nothing has happened. In addition to the dust, dirt, and noise of the rock crushers, trucks have been hauling rock from the site by traveling down Yorkshire Avenue and then in front of Harbourview School, which is an elementary school in our community. Something needs to be done to prevent all this rock crushing and truckloads of rock traveling through our residential community. We suggest that HRM pass a by-law that prevents rock crushing and the trucking of material from construction sites.

Concerned Residents Near Harbourview School

Joyce Parzy

Harold Headley

Hans F Crooks

R Brewer

Darlene Campbell

Donna Hawkey

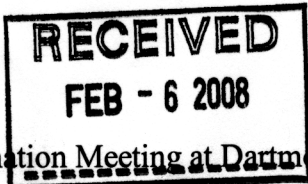
Sharon

Christa Burdy

Ken Campbell

Patricia McKay

Submitted by Joyce Pardy
Dartmouth



January, 2008

To: Chairman of Public Information Meeting at Dartmouth High School

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Concerned Residents Near Harbourview School

John Keizer

Jaimie Bundy

David Bundy

[Signature]

Kelly Bowsher (Waffel)

Jack Clewett (20 alford)

BLACKBURN ENGLISH

BARRISTERS  SOLICITORS

E.A. Nelson Blackburn, Q.C.
David F. English, B.Comm., LLB
Joseph M.J. Cooper, Q.C.
Janet Nolan Conrad, B.A., LLB
Paul B. Miller, MBA, LLB
Linda D. Wood, B.A., LLB
Derek M. Land, B.A., LLB
Karen H. Anthony, BSc., LLB
Heather D. MacDonald, B.A., LLB



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E-mail: enfield@blackburnenglish.com
www.blackburnenglish.com

February 7, 2008

Mr. David Lane
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

OUR FILE:

Dear Mr. Lane:

**Re: Temporary construction activities: public meeting at Dartmouth High School,
February 6th, 2008.**

I did not get a chance to respond to the question/criticism of the last speaker, a contractor, who seemed to question my submission re blasting.

I thought the logic of my submission, that to displace large quantities of rock in a short time, when developing roads and sites, incurs either larger blasts or more frequent blasts, than what would normally occur in a quarry, where smaller blasts are used with a synchronised blast design to "peal" the rock face to provide additional rock for crushing. Permanent quarries obviously have a longer operating life time, and usually stockpile product so that product deadlines can be accommodated from stockpiles rather than fresh blasting, which allows them to time their blasting activities and use smaller blasts.

However, you need not take my word for it, or consider the "logic" of my argument. This practise, and the argument I made, is outlined and addressed in two texts which are standards of the industry. They are:

1. **Explosives and Rock Blasting:** Atlas Powder Company -1987, and
2. **Surface Blast Design:** Konya and Walter - Prentice Hall Inc. - 1990

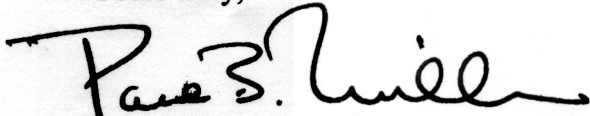
While I have no doubt that the contractor who spoke may have 20 years experience in the construction industry, his statement nevertheless exhibited a lack of knowledge or experience with reference to the technology of blasting.

Another good reference source regarding blasting and blasting design is the "Blaster's Training Course" Manual published by the Nova Scotia Department of Labour and used as the teaching/training manual for blasters.

I appreciated the opportunity to speak at the public meeting, and do not envy you your chore of balancing the interests of quarry owners, developers, contractors, and the public. This has always been the problem over the 30 years I have been involved with quarries and crushers, and whatever action, or lack of action is taken, there is always someone or some group that is not happy.

If you have any questions about my presentation, or if I can be of further assistance, do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Paul B. Miller". The signature is written in a cursive, flowing style with a large initial "P" and a long, sweeping underline.

Paul B. Miller

From: [REDACTED]
To: <laneda@halifax.ca>
Date: 11/02/2008 12:03 pm
Subject: Rock Crushing away from quarries.

To whom it may concern,

I was hoping to attend the public information meeting in Dartmouth on February 6, 2008 about temporary rock crushing, but I could not make it because of the weather. I live in Timberlea, Nova Scotia.

The area I live in with my family is prime for future developments. When I moved here, I knew that there would probably be some construction activity that we would have to live with. However, rock crushing was not one of them. I do not want to live near a quarry, and to allow rock crushing on a construction site is the same thing as a quarry. I do not profess to know much about quarries, but I do know that the Department of Environment has very great concerns about them and that they are only permitted in special circumstances. The most recent example was the Bilcon quarry application in Digby, which was turned down by the department of environment.

If it is so difficult to obtain a quarry permit for a rural community, it should be just as difficult to be able to crush rock on a construction site. It is the exact same activity. Crushing rock is loud, it makes a lot of dirt and dust in the air, and it has an effect on the natural environment such as lakes and streams. What if there is acid rock on the land? Quarries know about this dangerous material, but do fly-by-night contractors? I don't want this stuff getting into the water in my neighbourhood.

Also, I know that quarries have to meet very strict safety standards. One is to not pile gravel to be piled up past a set height. The reason is that the gravel can avalanche. I have two young children who, despite my best parenting, might be tempted to play on a big gravel pile. I just dread to think what could happen.

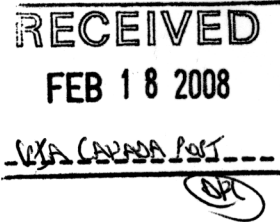
If I had been able to attend at one of the public information meetings, I would have asked that rock crushing be prohibited. Wood chipping, soil screening, and asphalt plants are not a concern for me, but rock crushing is a serious activity and should be prevented.

Matthew J.M. Gibbon

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February 6, 2008



Halifax Regional Municipality
Attn.: By-laws Committee Reviewing Temporary Construction Uses

Dear Sir or Madam,

During the construction season of 2007, Trax Construction Limited dumped large rocks at the rear of our properties and subsequently brought in a rock crusher to crush the rock onsite. We had to suffer with the nuisance and annoyance of dust, dirt, and noise. Today, there are large rock piles to the rear of our properties. This process is entirely unnecessary. Our properties are in a residential area known as Lancaster Ridge.

Any rock brought onto a construction site should be crushed to its appropriate size before it is delivered to that site.

We understand HRM is now considering a by-law to address temporary construction activities. We would urge HRM to make sure that large rocks cannot be brought to a site and crushed on that site, particularly in a residential area.

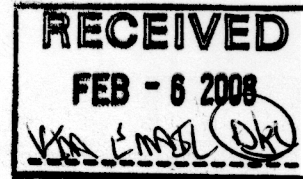
Residents of Argus Drive

Sheri Gareau
Mel Malana
Betty Langille

[Signature]
[Signature]

Halifax Regional Municipality
P.O. Box 1749
Halifax, N.S.

Attention: David K. Lane MCIP AICP
Senior Planner



Re: Recommendations to HRM Regional Council with respect to the issue of temporary construction uses and possible amendments to existing land use bylaws.

Dear Sir:

I realize that you may feel the following is outside of the mandate given to you by council but I will put it forward anyway because I feel that it should be considered as an integral part of the whole panorama of this issue when looked at through a wide angle lens.

My specific recommendation is the following:

That in conjunction with any other outcomes as a result of the ongoing process council gives serious consideration to the establishment of something along the lines of a yearly award to be given out to the Contractor/Developer who has taken specific steps to reduce the so called "Carbon Footprint" of their operations and therefore advanced the "Green Initiative".

The specific form of such an award could be something along the lines of council making a monetary donation to the charity of choice nominated by the award recipient. Something along this line may stimulate healthy competition among the competitors and should only result in a "Win Win" outcome for everyone involved.

Leadership by council in this way would, I believe, send a positive message to the industry and to the public at large and those councilors supporting such an initiative could properly point with pride to their participation in such a process.

Once again I thank you for the opportunity to have input into this discussion.

John McLeod

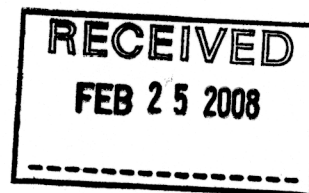


CleanEarth Technologies Inc.
203 AeroTech Drive
Enfield, NS, Canada B2T 1K3

Office: 902.835.9095
Fax: 902.835.9010
www.cleanearthtechnologies.ca

February 18, 2008

Mr. David Lane
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5



Dear Mr. Lane

RE: Halifax Regional Municipality Case No. 01058

Please accept these comments on behalf of CleanEarth on the issue of the above noted case. Our opinions are based on the review of the following documents and public meeting:

- Notice of Public Information Meetings, Halifax Regional Municipality;
- Meeting Notes, Case No. 01058, Temporary Construction Activities (Rock Crushers), December 18, 2007 Stakeholder Meeting;
- January 23rd, 2008 Community Meeting Sackville Heights Community Center; and
- Halifax Regional Council Minutes, April 3, 2007

Our specific comments as it relates to this issue are contained in the HRM Council Minutes dated April 3rd, 2007 that mentions on-site screening as one of the temporary construction techniques under review. To understand the potential effects of a bylaw change on our operations it is necessary to provide some background on how we operate and provide services. CleanEarth is a remediation company that offers as one aspect of our services patented mobile soil and water treatment processes that can be used to treat contaminated soil or water at the property itself. We operate a fixed treatment facility near the Halifax International Airport and offer services on a worldwide basis. During the initial years of the company we trialed the technology in Nova Scotia and completed a pilot test in conjunction with the Nova Scotia Department of Environment and Labour (NSDEL) Innovative Technology Group. Subsequently our process has undergone intensive regulatory review and has recently received two certificates from the Environmental Assessment Division of the Ontario Ministry of the Environment through their New Environmental Technology Evaluation Program and an operating Mobile Certificate of Approval to treat contaminated properties at locations throughout Ontario.

In Nova Scotia we have completed a number of on-site treatment projects including cleanups at Chapter House Tower Road, the Fairmount Subdivision, Nova Scotia Power Tufts Cove and the former Halifax Infirmary. The on-site solution that was applied at these contaminated properties offered numerous environmental as well as cost advantages as compared to the more conventional off-site treatment options. On the soil treatment side of our operations, the patented soil washing process is a soil washing technique that utilizes a wash solution incorporated with screening, density separation and dewatering unit modules.

Given the screening unit module of our overall soil washing process we are concerned that any bylaw amendments or changes could hamper or limit our ability to effectively offer an on-site treatment option within HRM. Our main concern is the application of setbacks, which could preclude an on-site application at many smaller properties. The review of potential environmental effects by the regulators in both Ontario and Nova Scotia identified noise and dust as two of the main potential environmental effects of the soil washing process to the neighboring community surrounding the property. In both jurisdictions the regulatory approach to controlling these potential impacts was through a condition of adhering to the local dust and noise bylaws of the municipality where the project is to be completed and not through the imposition of setbacks from the property boundaries. By taking this approach we are able to control noise and dust emissions at source through either dust controls or noise attenuation techniques if required depending upon the site-specific conditions.

It is CleanEarth's position that HRM should remain consistent in their regulatory approach with respect to on-site screening as the approach that has been taken by the provincial regulators in both Nova Scotia and Ontario. We stress that the condition to control potential neighborhood nuisance or environmental impacts by adherence to the local noise and dust bylaws and not through the imposition of setback requirements is the result of intensive review by independent regulatory experts in the area of environmental assessment. If requested, CleanEarth would be happy to provide copies of the permits provided through the NSDEL and the MOE to support this position.

As such we respectfully submit that the existing noise and dust bylaws are adequate to regulate on-site screening and suggest that no modifications are required to the land use bylaws as they relate to this activity.

In addition to our specific concerns as they relate to our own soil treatment process we would also like to provide comment on the issue of on-site crushing. While it is not a service that CleanEarth offers, we have certainly experienced a degree of frustration in introducing new or innovative techniques and technology into the Nova Scotia market and see a parallel of our experiences with that of the construction companies attempting to introduce the service of on-site crushing. Given our cursory review of this issue and the presentations we viewed at the public meeting our main concern is that the majority of the information being presented on this issue, both pro and con, is being provided directly or in association from the stakeholders on either side of the issue. From our perspective as an environmental company and the understanding gained from the presentations at the public meeting, there seems to be tremendous advantage from both an environmental and economic perspective to allowing on-site crushing to produce Type I aggregate with extremely negligible or mitigable environmental impacts. In fact, it appears that

the main environmental issues associated with an on-site crusher are similar to the on-site screening and could be controlled in a similar manner through the enforcement of the existing noise and dust bylaws.

However, as we do not have a complete understanding of all the sides of this issue we are not endorsing one position over the other. Our recommendation is that HRM follow the process similar to the one that CleanEarth engaged in Ontario where independent environmental experts were utilized to review the file and provide comment and recommendations. Our suggestion is that an independent consultant be hired to make recommendation on this issue as it pertains to potential environmental effects, on-site and off-site reuse of Type I aggregate and potential enforcement strategies. If HRM decides to take this approach, we would also like to offer our services at no cost to aid HRM in selecting the consultant to conduct the study. We offer this involvement in order to ensure that the selected consultant would have both the necessary environmental expertise and independence to offer recommendations that would truly be in the best interests of the people of Nova Scotia and not biased towards one stakeholder or the other.

Thank you for taking the time to consider our opinions. If we can be of any further service please do not hesitate to contact the undersigned at your convenience.

Sincerely,



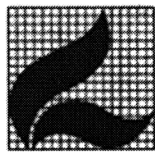
Glenn Clark
President CleanEarth Technologies

Cc: Mayor Peter Kelly
Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten

Sharon Bond

Jackie Barkhouse
Jim Smith
Mary Wile
Patrick Murphy
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker

Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Bob Harvey
Gary Martin
Reg Rankin
Gary Meade



**Landscape
Nova Scotia**

POSITION STATEMENT

**Amendment to Halifax Regional Municipality
Land Use By-Law**

RECEIVED

MAR 10 2008

N/A Email

Landscape Nova Scotia's Position on Proposed Amendments to Land Use By-Law

Landscape Nova Scotia is a voluntary association comprised of businesses and individuals who earn their livelihood from the landscape and nursery industry and work continually toward the betterment of our environment. Our mandate is to promote the creation of safe and sustainable greenspace, using environmentally sensitive construction and horticultural practices. Landscape Nova Scotia membership comprises over 150 companies and individuals including; landscape and maintenance contractors, retail garden centres, landscape designers, irrigation specialists, nursery growers, lawn and tree care companies, nursery and sod producers, trade suppliers, as well as industry specialists from government and educational institutions.

A fundamental objective for Landscape Nova Scotia members is to promote active movement toward sustainable landscapes. In our industry, soil is the fundamental foundation for the creation of healthy greenspaces, and we have been working to promote standards that will include the use of proper soil composition and quantity. Composting of organic materials and recycling of these materials is a vital component of our soil mix industry. Our members understand the fundamentals of plant life, irrigation, drainage, and soil nutrients, and work together to address issues that affect a balanced ecosystem.

Whenever possible, LNS members seek to maximize the use of all on-site materials; thus preserving the natural eco-system and reducing the environmental impact and financial costs to any landscape project. Many of our members have been employing these types of best practices for many years, and have been in the forefront of sustainable development in The "Green Industry."

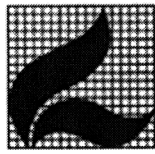
Soils are the Foundation for Sustainable Landscapes

In the HRM there is a shortage of quality soil. For landscape contractors, this often requires soils to be augmented and mixed on site to ensure there is a minimum base of 6-8 inches of soil needed for landscapes to thrive. We have worked with the Halifax Regional Municipality to establish Soils and Compost Standards for our industry and recognize that there is a need to mix the natural on site soils with compost and other organic matter. We recognized that a healthy soil mixture will lead to less dependency on chemical inputs and to that end, will often involve the relocation of soils and composted materials on construction projects to areas that need to be accessed when the landscaping portion of the project begins.

Having to truck on site materials like soils, rock and wood off site, only to amend and return it to the site poses several problems. Specifically it puts heavy trucks on the road which increases project costs and the carbon footprint of the project.

The Board of Directors of Landscape Nova Scotia (LNS) have participated in the Public information meetings held to address this issue and have read through the proposed Land Use Bylaw for Temporary Construction activities. We would like the Halifax Regional Municipality to consider the following recommendations, specifically as it relates to the following four revisions:

1/2



Landscape Nova Scotia

POSITION STATEMENT

Amendment to Halifax Regional Municipality Land Use By-Law

HRM's proposed amendment:

(a) Providing for a comprehensive definition including uses such as wood chippers, asphalt plants, soil screening, rock crushers, etc. that have the potential to cause nuisance effects on adjacent existing residential and institutional uses

The Recommendation from the LNS soils and Sod committee is to remove soil screening from the comprehensive definition. Our association also requests that favorable consideration be given to allowing other specialized equipment for recycling of other site materials such as rock, wood and organic materials that can be used for sustainable development and where there is a savings in waste and a benefit to the environment.

HRM's proposed amendment:

(b) Requiring a development permit for the use

LNS recommendation: Development permits should be avoided on projects under \$100,000 (small projects) and when required should include defined project boundaries and project schedules, both to consider site and project specifics.; i.e.: the permit may allow for removal of excess material to another site or the addition of materials to the site under permit.

HRM's proposed amendment:

(c) Establishing time limitations on the use

LNS recommendation: We recommend that the HRM define time limitations as it relates to material quantities versus a calendar window. Time limitations on use should be defined as the time it takes to process a defined amount of on-site material.

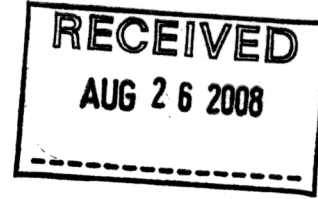
HRM's proposed amendment:

(d) Establishing appropriate setbacks from existing residential and institutional uses

LNS recommendation: The proposed 350 Meter setback to have equipment on a construction site is a large distance, especially in the HRM's urban core. We do not feel that there is a defensible position to establish large setbacks for the purposes recommended. A safety buffer of 5 meters with appropriate fencing is adequate for the stated activities. Also set-backs for the operation of specialized equipment should be equipment specific as well as site specific.

Landscape Nova Scotia would like reassurance from the HRM that the amendments to the current Land Use By-Law will not compromise the environmental, economical and professional standards we aspire to as an Industry Association. Our Association hopes that any of the proposed revisions will continue to promote and facilitate environmental sustainability; i.e. LEED credits, reducing traffic congestion and wear and tear on our roads, lower CO2 emissions and fossil fuel consumption, less regulations, and an improved business climate.

**Respectfully submitted by,
Alan Streach, Chair, LNS Soils and Sod Committee
P: (902) 384-2090**



August 19, 2008

Mr. David Lane
Senior Planner
Planning Services, Eastern Region
HRM Community Development
PO Box 1749
Halifax, NS B3J 3A5

Re: Case number 01058: Amendments to land use bylaws regarding temporary construction uses

Dear Mr. Lane:

We are writing today on behalf of the Mining Association of Nova Scotia (MANS) with regard to the proposed amendments to the land use bylaws. For your reference, MANS represents over 150 members and member companies in all sectors of mining in the province – exploration, discovery, development, production, and reclamation as well as consultants and suppliers to the industry. It is important to note that we have a number of members from within the aggregates industry.

As a general policy, MANS supports any regulation or act that brings clarity to the practice of mining in Nova Scotia. This obviously includes work done in pits and quarries across the province.

Given this statement, we would like to take this opportunity to let you know that MANS supports the general principle that, as part of land development in HRM, rock processed using portable crushers should remain and be used strictly on site. This would include ensuring that processed rock is not removed at any time for any reason. Furthermore, we believe that unprocessed rock should not, at any time, be delivered from other sites to be crushed on HRM land development projects.

15 Dartmouth Road
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Bedford, Nova Scotia B4A 3X6

T: 902-406-ROCK (7625)
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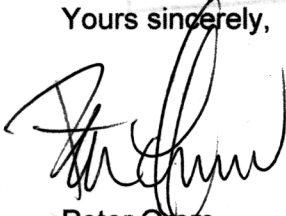


Mixed Sources
Product group from well-managed
forests, controlled sources and
recycled wood or fiber

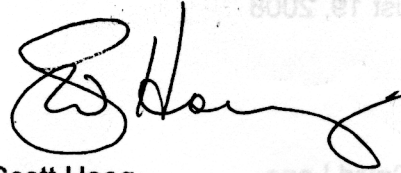
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We thank you for the opportunity to express our views on this matter and look forward to working together as these amendments are implemented.

Yours sincerely,



Peter Oram
President



Scott Hoeg
Chair
Surface Operations Committee

We are writing today on behalf of the Mining Association of Nova Scotia (MANS) with regard to the proposed amendments to the land use bylaws. For your reference, MANS represents over 150 members and member companies in all sectors of mining in the province - exploration, discovery, development, production, and reclamation, as well as consultants and suppliers to the industry. It is important to note that we have a number of members from within the agricultural industry.

As a general policy, MANS supports any regulation or act that brings clarity to the practice of mining in Nova Scotia. This obviously includes waste management and other issues across the province.

Given this statement, we would like to take this opportunity to let you know that MANS supports the general principle that as part of land development in HRM, rock processed during portable crushers should remain and be used strictly on site. This would include ensuring that processed rock is not removed at any time for any reason. Furthermore, we believe that unprocessed rock should not, at any time, be delivered from other sites to be crushed on HRM land development projects.

