

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
COMMITTEE OF THE WHOLE  
MINUTES  
September 29, 2009

PRESENT:

Mayor Peter Kelly  
Deputy Mayor David Hendsbee  
Councillors: Steve Streach  
Barry Dalrymple  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Bill Karsten  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Jennifer Watts  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen Adams  
Brad Johns  
Robert Harvey  
Tim Outhit  
Peter Lund  
Reg Rankin

REGRETS:

None

STAFF:

Ms. Geri Kaiser, Deputy Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Acting Municipal Clerk  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 1:49 p.m.

Addition: Introduction of Auditor General, Mr. Larry Munro - Councillor McCluskey

**MOVED BY Councillor McCluskey, seconded by Councillor Karsten that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

**2. INTRODUCTION OF AUDITOR GENERAL**

Councillor McCluskey introduced HRM's Auditor General, Mr. Larry Munro. Mr. Munro thanked Council for the opportunity to be the first Auditor General for HRM.

**3. APPROVAL OF THE MINUTES - NONE**

**4. PROJECT 00953 - WIND TURBINES: PROJECT UPDATE AND COMMUNITY CONSULTATION**

- An Information Report dated September 14, 2009 was before Council.
- A copy of the PowerPoint presentation was before Council.

Mr. Austin French, Manager, Planning Services, introduced the Wind Turbine Project. Mr. Roger Wells, Supervisor, Regional Community Planning, and Mr. Shayne Vipond, Planner, presented a detailed verbal update of the Wind Turbine project to Council.

Councillor Streach entered the meeting at 1:56 p.m.

Councillor Rankin commented that most Nova Scotians were in support of alternative energy sources. He requested that as much clarity as possible be provided to the public during the next phase of consultation and suggested that: supporting literature be made available for the public meetings; the potential locations be identified as much as possible, and; the conservation areas also be noted.

Councillor Karsten noted that he was not in support of more public consultation as the matter has been discussed since 2006. The public want clear and definitive rules in place and they have waited three years for those rules.

**MOVED BY Councillor Karsten, seconded by Councillor McCluskey that further public consultation be deferred and that the complete policy be brought to Regional Council for debate and first reading.**

Councillor Streach commented that one public consultation meeting in his area was not sufficient considering that most of the wind turbines would be located in rural areas such as the Eastern Shore. He noted his support for additional public consultation.

Councillor Sloane commented that more public consultation would help quell the fear of the unknown. She advised that residents of District 12 would appreciate hearing more information on the matter.

Councillor Wile noted that the Bayers Lake Business Association would appreciate the opportunity to meet with staff and be advised of the positive or negative impacts wind turbines may have on their area.

Councillor Harvey commented that there was more specific information to take to the public such as the siting criteria and as of right/land use planning issues, therefore; he was not in support of the motion.

Councillor Lund noted his support for further public consultation.

Councillor Rankin commented that the motion would not serve the public interest or Council's interest. There was an expectation during the first round of consultations for a second round of public consultations. Due to windmills being a contentious issue for those areas that will expect applications, Councillor Rankin advised that he was in support of more public consultation.

Councillor Outhit noted that the intent of the motion was good but that there were two types of consultations. The first consultation was a learning mode and the second would be the presentation of the proposals put forward as a result of good research.

Councillor Karsten explained that it had been the Energy and Underground Committee that had suggested the public consultations and that he was ready for Council to move forward with the matter.

#### **MOTION PUT AND DEFEATED.**

Councillor Johns expressed concern with the possibility for as-of-right placement of wind turbines in rural areas. He explained that a benefit of the public process would be that issues not thought of by Developers and HRM Staff may be raised. Councillor Johns, acknowledging his support of alternative energy sources, expressed further concern with the potential of having 35-40 wind turbines installed at the former Upper Sackville Landfill site and the current landfill site, upon cessation of its operation, with little or no public consultation. The area adjacent to the former landfill site was designated a growth area under the Regional Plan and a community visioning exercise was nearing completion for the area that ends near where the wind turbines could be located.

Councillor Dalrymple advised that he was in support of Option 2 in regard to further public consultation especially in the rural areas and those areas that would be affected.

Deputy Mayor Hendsbee noted that there were already four (4) wind turbines operating in his district; 1 industrial at the Porter's Lake Superstore and 3 residential. He explained that many of his residents have questions they want answered. He inquired whether watershed areas, such as Lake Major, would be excluded areas noting that Halifax Water could benefit from wind turbines as power backup during a power failure. He also requested clarification on the following: how would the Halifax Farmers Market's plan to have wind turbines on their roof be affected by the proposed recommendations to limit turbines in the urban core; would the urban core limitation be for private land only or would provincial properties qualify; how would wind turbine structures differ from cell tower structures in regard to regulations and why would there be municipal regulations in place for one but not the other; who would have final jurisdiction - the province or the municipality.

Committee of the Whole recessed at 3:04 p.m.

Committee of the Whole reconvened at 3:12 p.m.

Councillor Lund noted the following concerns:

- Permitting wind turbines may cause possible restriction on development for the urban core of the western region rural area if the Tantallon and Hubbards area were to continue to grow.
- The setback for the St. Margaret's Bay area would place the wind turbines on top of a hill and would be visible from the Peggy's Cove Road and by the residents of Westwood Hills who may have issues with the possibly restricted views.
- As-of-right situations.
- Width of the wind turbines on top of the hill on St. Margaret's Bay as well as concern for the environmental assessment screening process in regard to the migratory bird flight path at the Head of St. Margaret's Bay.
- Are the recently designated wilderness areas and protection areas, such as Birch Bear and Chebucto Peninsula, excluded.

In response to Deputy Mayor Hendsbee, Mr. Roger Wells advised that staff were reviewing the issue of roof top mounted wind turbines, and their potential impact, prior to commenting on whether or not they would be included in the regulations.

Councillor Streach advised that he was in support of alternative energy sources but had concerns with the as of right component. He expressed concern for the beaches within HRM and suggested that if there were no development agreement the setbacks and distances to residences and beaches should be more restrictive. He also questioned what the benefits would be to the communities as there would be very little spin off other than the environmental factor.

Mr. Paul Dunphy, Director, Community Planning, advised that the minimum setbacks proposed were presented so that HRM would be consistent with the province. He noted that staff would return with some applications following the public consultations.

Councillor Watts explained that she was in support of more community consultation as staff were now able to clearly present their suggestions to the public. She requested that staff further explore the following issues: as of right situations; sound decibels be considered along with distance separation; the possible grey area of wind turbines slightly under 60m or less and how they would be regulated; would roof top mounted wind turbines be limited on the Peninsula and would there be a grand fathering in for existing units. In response to a question by the Councillor, staff advised that existing wind turbines in the urban area would be grandfathered in.

Mr. Dunphy clarified that in regard to decibels, that would not be part of the By-Law as HRM would not have the authority in the Land Use By-Laws as sound level would not be a certainty. Permits could only be issued when it was known that the project would comply with the regulations.

Councillor Smith advised that he was in support of the proposed regulations and additional public consultation especially in the Burnside Business Park area. He requested clarification on the 30 metre distance and whether that would be from an occupied building in a Business Park or also for a warehouse type of structure, and; whether it would be measured from the structure or the property line. He suggested less stringent measures for business parks as there would be great opportunities in those areas for wind turbines.

Mr. Dunphy advised that staff would work with individual Councillors to determine a schedule for additional public consultation for specific locations and provide an Information Report to Council in regard to the public meeting schedule.

#### **4. ADJOURNMENT**

The meeting was adjourned at 3:53 p.m.

Cathy Mellett  
Acting Municipal Clerk