

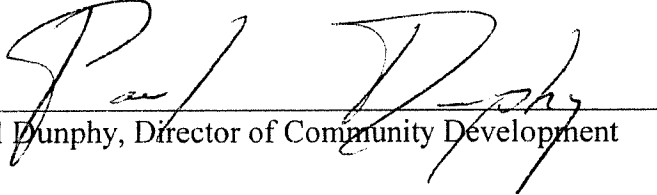


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

10.2
Harbour East Community Council
February 1, 2007

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: January 22, 2007

SUBJECT: **Case 00864: Proposed Residential Condominium Project at 675
Windmill Road in Dartmouth**

ORIGIN

At the October 18, 2005 session of Regional Council, a motion was passed "that HRM planning staff initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to allow a rezoning of 675 Windmill Road in Burnside Park from Industrial to Residential to permit condominium construction and to require staff to follow the public participation process".

RECOMMENDATIONS

It is recommended **Harbour East Community Council:**

1. **Recommend that Regional Council** give First Reading to the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law presented in Attachment A and schedule a joint public hearing with Harbour East Community Council;
2. **Recommend that Regional Council** approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law presented in Attachment A; and
3. **Give Notice of Motion** to consider the proposed development agreement presented in Attachment B and schedule a joint public hearing with Regional Council.

Contingent upon the adoption by Regional Council of the above Municipal Planning Strategy and Land Use By-law amendments and those becoming effective under the *Municipal Government Act*, it is further recommended that the Community Council:

1. Approve the proposed development agreement presented in Attachment B; and
2. Require the development agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval of said agreement by the Community Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

EXECUTIVE SUMMARY

In accordance with the directive of Regional Council, amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law have been prepared in Attachment A which would enable the Harbour East Community Council to consider a multi-unit residential project on the lands at 675 Windmill Road by development agreement.

These lands are within the Halifax Harbour Designation under the Regional Planning Strategy which calls for the completion of a set of comprehensive policies and regulations for this designation. The Regional Planning Strategy expresses concerns regarding the encroachment of residential developments on harbour front industrial sites and seeks to discourage such encroachment unless measures are developed to mitigate adverse effects.

Council should be aware that concerns have been expressed regarding the potential impact of this development proposal from a number of agencies and individual companies with an interest in harbour related industrial developments in the Wright's Cove Area. Reference is made to correspondence presented as Attachment H to this report.

Although the amendments are site specific, the policy criteria for this development and the terms of the development agreement largely reflect the recommendations of the *Wright's Cove Land Use and Transportation Plan* (Cantwell, January 2006). This study was prepared for the Municipality under the Halifax Harbour planning initiative and received approval-in-principle at the April 18, 2006 Regional Council session.

Council also directed staff to incorporate the land use provisions of the report recommendations into the draft Halifax Harbour Plan and into the Dartmouth Planning Strategy and Land Use By-law. It is anticipated that these amendments will be tabled with Council later this year and, if approved, would replace the site specific policy amendments recommended in this report.

BACKGROUND

The lands referenced in the Council motion as 675 Windmill Road encompasses three properties owned by GJR Developments Ltd. ("the Developer") in Dartmouth that extend southward from the intersection of Windmill Road And Ralston Avenue to Wright's Cove in the Bedford Basin (see Map 1). The lands are comprised of two mainland lots with an area of 8.8 acres of which 3.2 acres are water lots and Sheppard's Island has an area of approximately 1.8 acres.

The Developer currently has plans to develop three condominium apartment buildings on the mainland portion of the site ranging from 6 to 12 stories in height and containing a total of 255 dwelling units. The proposed site development is illustrated on the site plan attached as Schedule F to the draft development agreement (Attachment B to this report). Elevation views of the three buildings are presented as Schedules G, H and I to the agreement.

The first building constructed would be the 135 unit structure along the edge and would be partially built over fill within a water lot owned by the applicant. The site would have access to Windmill Road from an extension of Ralston Ave. with traffic signals and turning lanes at the intersection.

In the future, the developer would like to extend a causeway to Shepard's Island and construct additional low density residential development. Policy provisions have been made to allow for consideration of this request.

A public information meeting regarding this development proposal was hosted by the Harbour East Planning Advisory Committee on May 24, 2006. The minutes are presented as Attachment C.

DISCUSSION

Current Municipal Policies and Regulations:

The mainland portion of the Developer's lands is designated "Industrial" under the Dartmouth Municipal Planning Strategy ("the Planning Strategy") and zoned I-2 (General Industrial). This designation and zoning has been applied to both developed and undeveloped lands within Burnside and Commodore Industrial Parks, as well as adjacent lands, in support of continued general industrial and commercial development. The current zoning within the area is illustrated on Map 1.

Sheppard's Island and some adjacent waterfront lands have been designated "Harbour Oriented Industrial" by the Planning Strategy and zoned I-3 (Harbour-Oriented Industrial) Zone by the Land Use By-law. The designation and zone have been applied to support uses which require or benefit from direct access to the harbour, such as construction, maintenance and repair of marine vessels and facilities for the storage and handling of bulk containers and cargo.

The Planning Strategy specifically identifies the Navy Island area (the outer portion of Wright's Cove) as having strategic advantages for harbour related facilities due to the presence of deep water. It notes that National Gypsum Company operates from a wharf in this area and has access to rail facilities. However, the Planning Strategy notes that further harbour related development may be constrained by the possible presence of unexploded ammunition on the harbour bottom which resulted from a major explosion at the neighbouring DND site at Magazine Hill in the 1940s.

Policies within the Planning Strategy support protection of areas designated for harbour oriented industrial uses and specifically directs Council to protect the potential of the Navy Island Area through cooperation with senior levels of government in overcoming development constraints and by acquiring properties needed to protect the economic potential.

No provisions have been made for new residential development within industrial and harbour oriented designations. However, since its original adoption in 1972, amendments have been

introduced to the Dartmouth planning strategy which have placed less emphasis on harbour-related industrial uses in certain parts of the cove.

In 2001, a plan and by-law amendment was approved which changed the designation and zoning of lands between Windmill Rd. and Wright's Cove from Harbour Related Industrial to General Industrial. The amendments had been recommended by staff to allow for a commercial development on the south side of Windmill Road, across from Akerley Blvd. The General Industrial Zone allows for a wide range of commercial uses not permitted by the I-3 zone.

In 2004, a further plan amendment was approved to allow for the rezoning of certain lands on Greenbank Court, Cove Lane and Basinview Drive from I-3 zone to H (Holding) Zone. The zone permits replacement, repair and expansion of existing homes but no new homes are permitted.

Planning Initiatives and Studies:

A number of planning studies have been prepared which may have bearing on how the Municipality may choose to respond to this development request and future requests on surrounding lands. The studies and their findings are summarized as follows:

Halifax Port Land Use Plan:

In 1999, Halifax Port Authority (HPA) retained SGE Group to assist in the preparation of a land use plan for the port environs. Among the study objectives was to assess local land use planning regimes and land uses adjacent to HPA property and to develop a land use plan, policies and objectives over a 20 year time horizon. The final report, *Halifax Port Authority Land Use Plan* (SGE Group, May 2002) noted that HPA has a small amount of land under management in Wrights Cove which were under lease to Secunda Marine Ltd., a company which refurbishes boats. The report noted that "the Municipality is currently working with a developer on a mixed use project known as Shepherd's (sic) Island. The Port Authority supports retaining waterfront land in the Wrights Cove area for marine industrial uses".

The Halifax Harbour Plan:

In support of the regional planning initiative, a Halifax Harbour Steering Committee was formed to prepare a comprehensive plan for Halifax Harbour. The committee had representation from HPA, the Dept. of National Defense, N.S. Dept. of Economic Development, the Waterfront Development Corporation and the Municipality. In a report to Regional Council, dated 13 July 2004, preliminary recommendations were put forward by the committee. Among the recommendations were:

- that the National Gypsum site in Wright's Cove remain as a marine industrial use.

- that lands north of the Bedford Institute of Oceanography (BIO) site to Wright's Cove be considered for multi-unit residential development, if deemed appropriate, after completion of a comprehensive plan for the area.
- a new Halifax Harbour trail be considered from the BIO site to Wright's Cove as a component of a master plan study for this area.
- that HRM proceed with detailed planning and implementation of a phased high-speed ferry network within Halifax Harbour with Wright's Cove being considered as a new terminal location.

Council endorsed the committee's preliminary recommendations at the July 13, 2004 meeting.

The Wright's Cove Land Use and Transportation Plan:

In fulfilment of the harbour steering committee recommendations, the *Wright's Cove Land Use and Transportation Plan: Final Report* (Cantwell & Company Consulting Ltd., January 2006) was prepared for the Municipality. The study concluded that there is an area along the shore of Wright's Cove which may not be suitable for marine related industrial uses due to the shallow water depth. Highway commercial development may not be feasible due to the distance from Windmill Road.

The study recommended a future concept plan and land use plan for the study area which are presented as Attachment D. The key recommendations with regard to this development proposal are summarized as follows:

- The mainland portion of the Developer's property is recommended for harbour related commercial and residential uses. Harbour related commercial uses would include marinas, hotels and offices. The designation was applied to lands around the inner portion of the cove which the study concluded were too shallow for most marine industrial uses. The designation has a minimum setback of 300 feet from Windmill Road.
- Sheppard's Island is recommended for open space uses in which the treed vegetation would be retained to serve as a visual buffer between new development along the shoreline and harbor related industrial uses in the outer cove in the vicinity of the Navy Islands.
- A trail system would cross over the Developer's property and extend to the Shannon Park site.
- Ralston Ave. would extend onto the mainland portion of the Developer's property from a signalized intersection at Windmill Road. Service roads parallel to Windmill Road would connect the Ralston Ave. extension to abutting lands.

- Any development within the harbour related commercial and residential designation would require approval of a development agreement. A development agreement would enable the Municipality to negotiate with property owners for the locations of trails and future streets as well as means to mitigate noise through building design.

At the April 18, 2006 meeting of Regional Council, a motion was passed that the Wright's Cove Plan be approved-in-principle and that staff be requested to commence the process to incorporate the land use provisions of the report recommendations into the draft Halifax Harbour Plan and into the Dartmouth Planning Strategy and Land Use By-law.

The Regional Planning Strategy

Lands around the harbour have been placed in the Halifax Harbour designation under the Regional Planing Strategy. The Regional Plan supports completion of the comprehensive planning exercise being undertaken under the direction of the steering committee for consideration of adoption under the Regional Plan. Guidelines for preparing detailed policies are articulated under policy EC-8. Those relevant to this development proposal are summarized as follows:

- reserve sufficient harbour frontage and harbourfront lands for marine-dependent industrial/commercial development, for the Port of Halifax to remain a globally competitive seaport.
- develop regulations that mitigate potential negative impacts of existing and potential marine-dependent industrial/commercial areas on adjacent uses, while maintaining the economic viability of marine-dependent uses
- discourage new residential development from locating in areas that abut sites designated for intensive marine industrial/marine commercial uses.
- facilitate, support, plan and develop new parks and trail systems in appropriate locations within the Halifax Harbour Designation including linkages to inland park/trail systems and seek to secure or acquire appropriate waterfront sites for parkland and trail development
- identify appropriate locations within the Halifax Harbour Designation that are suitable for multi-unit or mixed use residential development
- establish appropriate regulations for site and building development and appropriate planning approval processes for residential development
- ensure that any residential development proposals abutting Halifax Harbour include provision for public access to the Harbour and trail/boardwalk development

- discourage new residential development from locating in areas that abut existing and proposed marine industrial uses. Where residential development is proposed to locate in proximity to existing or proposed marine industrial uses, develop appropriate mitigation measures.

The Regional Plan also supports completion of the Halifax Harbour Functional Plan and directs that this plan consider the Wright's Cove Land Use and Transportation Plan.

The Proposed Amendments to the Planning Strategy and Land Use By-law and the draft Development Agreement:

The proposed amendments to the Planning Strategy and Land Use By-law are presented in Attachment A. The Developer's properties would be re-designated from "Industrial" to "Residential" under the Generalized Future Land Use Map of the Planning Strategy and rezoned from I-2 and I-3 to R-3 (Multiple Family Residential - Medium Density) Zone under the Land Use By-law. Any development on these sites would require approval of a development agreement with consideration given the criteria of the new policy H-21. An evaluation of the draft development agreement (Attachment B) against these criteria is presented as follows:

Policy H-21:

The properties identified by PIN. Numbers 41209131 (Lot W3), 41224148 (Parcel PK-WL1) and 0099572 (Sheppard's Island) shall be zoned for medium density residential development under the Land Use By-law and permitted subject to approval of a development agreement. The following matters shall be considered in any agreement:

- (a) any development contemplated on Sheppard's Island covers no more than twenty-five percent (25%) of the area of the island and the trees on the remaining area are retained so as to screen development on the island and mainland from harbour related industrial activities in the outer cove;*

This criteria is largely consistent with the objective of the Wright's Cove Study to maintain the tree cover on Sheppard's Island as a buffer while allowing limited development, as requested by the applicant providing that the buffering objective can still be achieved. Under the draft development agreement, presented as Attachment B, the island is to be left undeveloped except for trails and other minor landscaping work consistent with a natural park (clause 4.1(d)).

Any future development of the island would require either a substantial amendment to this agreement or approval of a new agreement - either of which would require a public hearing and approval by the Community Council.

(b) measures are taken in the building design to mitigate noise;

The architect for this project, SDRA Architects Ltd., has provided an explanation as to how the buildings have been designed to mitigate noise in correspondence presented as Attachment E. The agreement stipulates that each building is designed with central air conditioning, double glazed windows and exterior masonry at least 4 inches thick (clause 4.1(5)).

(c) provision is made for the extension of a future public trail across the lands; and

The developer has agreed to allow public access over the waterfront boardwalk adjacent to the first building to be constructed (Building A on Schedule F of the agreement) once a public trail is established over adjacent lands. Public right-of-way access would be granted to the Municipality over this boardwalk and to abutting lands and the Ralston Ave. extension prior to the first building being occupied (see clauses (7) and (8) of Section 4.1)

The Community Council may also consider accepting parkland on or public access to Sheppard's Island in fulfilment of open space dedication requirements in the event that the three buildings on the mainland are subdivided onto separate lots as is contemplated by the Developer (clause 5.1(6)).

(d) the criteria of policy IP-5.

Policy IP-5 requires that a development agreement be approved for any apartment building development located within an R-3, R-4, C-2, MF-1 or GC Zone under the Dartmouth LUB. An evaluation of this development against the criteria of policy IP-5 is presented in Attachment F. The main points with respect to this development proposal are summarized as follows:

- The Developer will install new traffic signals at the intersection of Windmill Road and Ralston Avenue at no expense to the Municipality prior to any occupancy permit being granted on the property.
- Street right-of-ways to the abutting lands will also be conveyed to the Municipality which will allow for the possibility of a future service road parallel to Windmill Road, as recommended by the Wright's Cove study.
- A watercourse traversing the property will be relocated in a manner consistent with the plans presented as Schedules B-1 and B-2 of the agreement, as well as all approval requirements of the N.S. Dept. of Environment & Labour.
- Amenity areas and new trees will be planted on the mainland property in accordance with the landscaping plan presented as Attachment J to the development agreement.

- A survey was undertaken that concluded that there is no evidence of unexploded ordinances in the vicinity of the Developer's site. A copy of the consultant's report is presented as Attachment G.
- In addition to receiving municipal approvals, construction of this development will also require approvals from senior levels of government for the proposed infilling along the cove.

Summary

As directed, site specific amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law have been prepared which would allow residential development on the property described as 675 Windmill Road in Dartmouth (although the motion of Council more specifically makes direction to permit "condominium" residential development, the enabling legislation does not allow a municipality to differentiate between condominiums and other forms of tenure, such as rentals or cooperatives and therefore the amendments were limited to permitting residential development).

Both the enabling policy and the implementing development agreement have placed considerable emphasis on the recommendations of the Wright's Cove Land Use and Transportation Plan. Regional Council has directed staff to incorporate the land use provisions of the report recommendations into the draft Halifax Harbour Plan and into the Dartmouth Planning Strategy and Land Use By-law. It is anticipated that the requested documents will be brought forward for consideration of approval later this year and that these broader amendments would supercede the site specific amendments presented with this report.

BUDGET IMPLICATIONS

There are no budget implications anticipated at this time. In the future, municipal expenditures may be needed to complete the public access across the property and over adjacent properties, if the recommendations of the Wright's Cove Transportation and Land Use Plan are implemented.

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

Regional Council:

1. Council could approve the amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law presented as Attachment A to this report. This is the staff recommendation.

2. Council may choose to amend the proposed site specific plan amendment policy presented in Attachment A. If this alternative is chosen, specific direction regarding the requested amendments should be provided. Substantive amendments may require another public hearing be held before approval is granted.
3. Council could defer any policy amendments which would allow for this development proposal until such time as staff has brought forward amendments to implement the recommendations of the Wright's Cove Study. This alternative would make more sense if this development would only be considered as an integral part of a more comprehensive land use plan for the Wright's Cove area which is expected to be tabled with Council later this year. Staff have recommended approval of the site specific amendments for this development on the assumption that these more comprehensive amendments will eventually be adopted.
4. Council could reject the proposed amendments and direct that no further consideration be given to allowing residential development in this area. This option would be appropriate if Council was of the opinion that residential development posed too much threat to the viability of harbour related industrial activity in the area.

In this regard, Council should be aware that concern has been expressed from a number of agencies with a mandate for economic development in the region, as well as individual interests. These include Secunda Marine Services Ltd., the N.S. Dept. of Economic Development, National Gypsum and the Greater Halifax Partnership. Correspondence received is presented as Attachment H.

Harbour East Community Council:

1. If the amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law are approved by Regional Council and become effective, the Community Council could approve the development agreement presented as Attachment B to this report. This is the staff recommendation.
2. The Community Council could seek amendments through deliberations with staff and the applicant. If this option is chosen, the Community Council should provide specific direction regarding the amendments sought. Any amendments introduced would require the concurrence of the applicant and may require a further public hearing, if substantial.
3. The Community Council could reject the development agreement application. If this option is chosen, the reasons should be stated to conform with the requirements of the Municipal Government Act.

ATTACHMENTS

Map 1: Location Map of Lands Owned by GJR Developments Ltd.

Attachment A: Proposed Amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law with:

Schedule A-1: Lands to be redesignated from Industrial to Residential
Schedule A-2: Lands to be rezoned from I-2 and I-3 to R-3

Attachment B: Proposed Development Agreement with:

Schedule A-1: Property Description (Lot W3 and Parcel PK-WL1A)
Schedule A-2: Property Description of Sheppard's Island
Schedule B-1: Plan View of Proposed Relocation of Watercourse Traversing Lot W3
Schedule B-2: Cross-Section of Proposed Relocated Watercourse
Schedule C: Servicing Plan
Schedule D: Stormwater Plan
Schedule E: Grading Plan
Schedule F: Site Development Plan
Schedule G: Building Elevation: Building "A" (7 stories, 135 units)
Schedule H: Building Elevation: Building "B" (12 stories, 60 units)
Schedule I: Building Elevation: Building "C" (6 stories, 60 units)
Schedule J: Planting (Landscaping) Plan

Attachment C: Pubic Information Meeting Minutes of May 24, 2006

Attachment D: Wright's Cove Future Concept Plan and Proposed Future Land Use Plan

Attachment E: Correspondence from Hugh Davison, DSRA Architects Inc. to Dan Dean, Maxim 2000 Inc., dated November 30, 2006, re: Sheppard's Island Condos.

Attachment F: Evaluation of the development agreement against implementation policy IM-5 of the Dartmouth Municipal Planning Strategy

Attachment G: Correspondence from Bruce Strum, President of Strum Environmental, to Joe Ross of GJR Developments Ltd., dated July 14, 2006, re:UXO Clearance Dive.

Attachment H: Submissions Received

1. Correspondence from Donald MacLeod of Secunda Marine Services Ltd. to Roger Wells, dated March 14, 2006 re: Wright's Cove.
2. Correspondence from the Honourable Richard Hulbert, Minister of Economic Development for Nova Scotia to Peter Kelly, Mayor of Halifax Regional Municipality, dated July 18, 2006 re: Wright's Cove Land Use.
3. Correspondence from G. Sander, V.P. of Bath Group, to J. MacPherson, Planner, Planning & Development Services, dated August 25, 2006, re:

Comments on the Sheppard's Island Development Proposal.

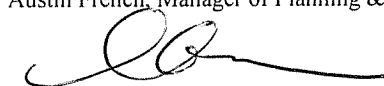
4. Correspondence from Pat Mills, Plant Manager for National Gypsum Canada Ltd. To Mayor Peter Kelly, dated 22 September 2006.
5. Correspondence from Fred Morley, Senior Vice President and Chief Economist for Greater Partnership Halifax to Paul Morgan, Senior Planner, Regional Planning Community Development, dated January 19, 2007, re: Submission on application for development agreement to permit residential condominiums in Wright's Cove.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

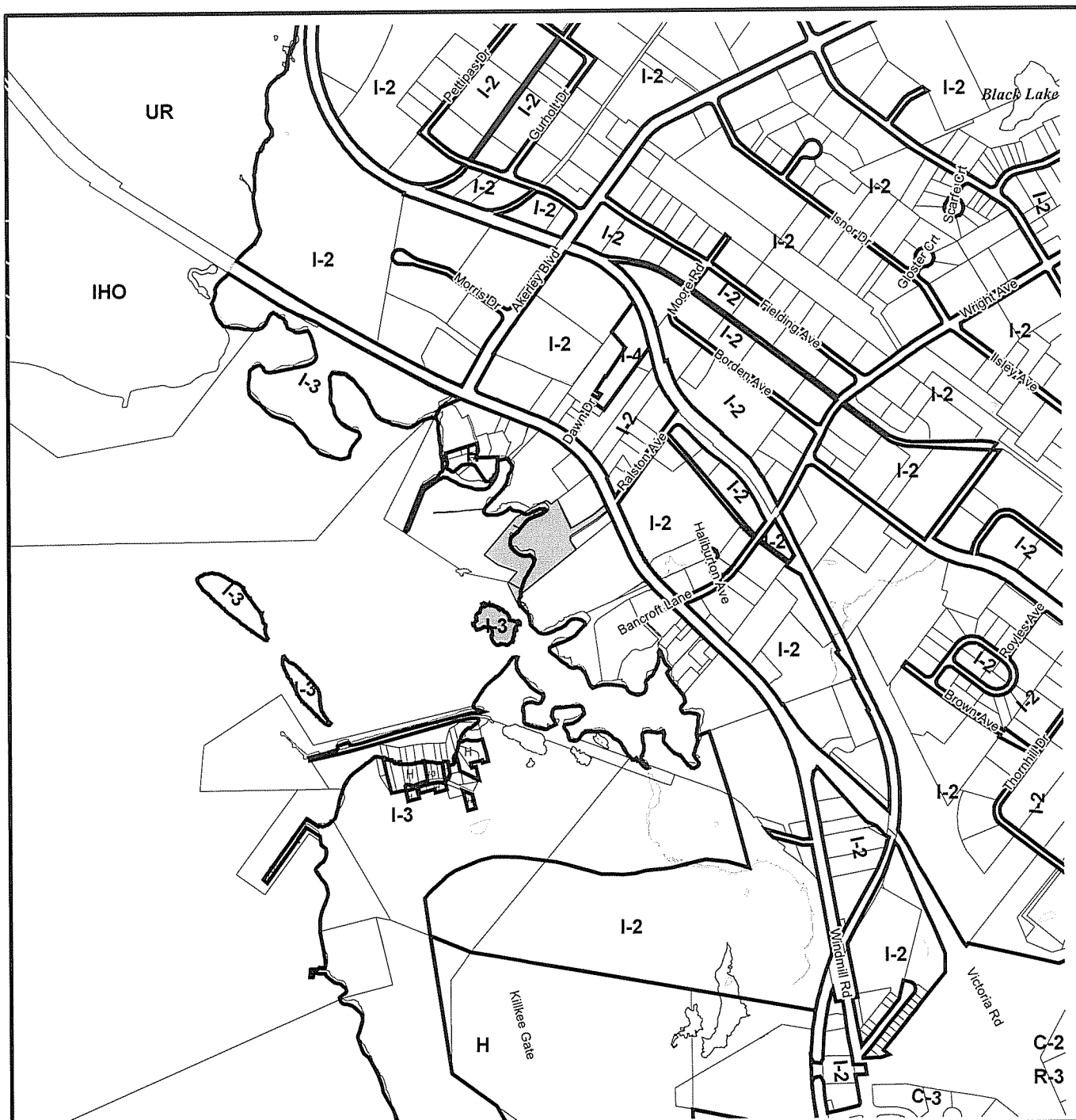
Report Prepared by: Paul Morgan, Planner, Planning Services, 490-4482

Report Reviewed by: Austin French, Manager of Planning & Development Services

Financial Approval by:



Catherine Sanderson, Senior Manager, Financial Services, 490-1562



Map 1 Zoning & Location

Sheppard's Island Map
Case 00864

ZONE

- H Holding Zone
- I-2 General Industrial Zone
- I-3 Light Industrial Zone
- I-4 Salvage Zone



Lands of GJR Developments Ltd.

Dartmouth Land Use By-law Area



HALIFAX
REGIONAL MUNICIPALITY

PLANNING AND
DEVELOPMENT SERVICES

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Feet

This map is an unofficial reproduction of a portion of the Zoning Map for the Dartmouth Land Use By-law area.

HRM does not guarantee the accuracy of any representation on this plan.

**ATTACHMENT A: Proposed Amendments to the Dartmouth
Municipal Planning Strategy and Land Use By-law**

- A The Municipal Planning Strategy for Dartmouth is hereby amended by:
1. Re-designating the lands shown on Schedule A-1 attached hereto from Industrial to Residential on the Generalized Future Land Use Map; and
 2. Adding the following paragraph to the Housing Section, immediately following policy H-20:

Wright's Cove

Certain lands within the inner portion of Wrights Cove have been identified as suitable for residential development provided that measures are taken to mitigate noise and screen the development from harbour related industrial development. These lands shall be zoned for medium density residential development under the Land Use By-law and shall be permitted subject to approval of a development agreement.

Policy H-21: The properties identified by PIN. Numbers 41209131 (Lot W3), 41224148 (Parcel PK-WL1A) and 0099572 (Sheppard's Island) shall be zoned for medium density residential development under the Land Use By-law and permitted subject to approval of a development agreement. The following matters shall be considered in any agreement:

- (a) any development contemplated on Sheppard's Island covers no more than twenty-five percent (25%) of the area of the island and the trees on the remaining area are retained so as to screen development on the island and mainland from harbour related industrial activities in the outer cove;**
- (b) measures are taken in the building design to mitigate noise;**
- (c) provision is made for the extension of a future public trail across the lands; and**
- (d) the criterial of policy IP-5.**

- B The Dartmouth Land Use Bylaw is hereby amended by rezoning the lands shown on Schedule A-2 from I-2 (General Industrial) Zone and I-3 (Light Industrial) Zone to R-3 (Multiple Family Residential - Medium Density) Zone



Schedule A-1

Sheppard's Island Map
Case 00864

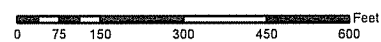


Lands to be redesignated
from Industrial to Residential

Dartmouth Land Use By-law Area



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portion of the Zoning Map for the Dartmouth
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Schedule A-2

Sheppard's Island Map

Case 00864

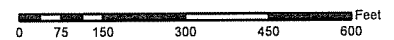


Lands to be rezoned from
I-2 and I-3 to R-3

Dartmouth Land Use By-law Area



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portion of the Zoning Map for the Dartmouth
Land Use By-law area.

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any representation on this plan.

PART 1: DEFINITIONS

“Community Council” means the Harbour East Community Council of the Municipality or any subsequent body established by the Municipality under the provisions of the Municipal Government Act .

“Community Planning Strategy” means the Municipal Planning Strategy for Dartmouth, as amended from time to time.

“Development Officer” means a person appointed by the Municipality to administer the Municipality’s Subdivision By-law or Land Use By-law.

“Land Use By-law” means the Land Use By-law for Dartmouth, as amended from time to time.

“Municipal Engineer” means a professional engineer employed by the Municipality to administer engineering guidelines, standards and by-laws adopted by the Municipality and to administer terms of this Agreement.

“Municipal Service Systems” means the manual adopted by the Municipality which provides standards for the construction of infrastructure, as amended from time to time.

“Regional Planning Strategy” means the Regional Planning Strategy for Halifax Regional Municipality, as amended from time to time.

“Subdivision By-law” means the Regional Subdivision By-law for Halifax Regional Municipality, as amended from time to time.

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law.

PART 2: GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1 The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.
- 2.2 Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Land Use By-law and the Subdivision By-law.
- 2.3 Nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law and Subdivision By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial or Federal Governments and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

- 2.4 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 2.5 Where the written text of this agreement conflicts with information provided in the Schedules attached to this agreement, the written text of this agreement shall prevail.
- 2.6 The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands.
- 2.7 The provisions of this Agreement are severable from one another and the invalidity or inability to enforce one provision shall not affect the validity or ability to enforce any other provision.
- 2.8 The following Schedules shall form part of this Agreement:

Schedule A-1: Property Description (Lot W3 and Parcel PK-WL1A)
Schedule A-2: Property Description of Sheppard's Island
Schedule B-1: Plan View of Proposed Relocation of Watercourse Traversing Lot W3
Schedule B-2: Cross-Section of Proposed Relocated Watercourse
Schedule C: Servicing Plan
Schedule D: Stormwater Plan
Schedule E: Grading Plan
Schedule F: Site Development Plan
Schedule G: Building Elevation: Building "A" (7 stories, 135 units)
Schedule H: Building Elevation: Building "B" (12 stories, 60 units)
Schedule I: Building Elevation: Building "C" (6 stories, 60 units)
Schedule J: Planting (Landscaping) Plan

PART 3: SUBDIVISION OF THE LANDS

- 3.1 The Municipality shall not issue any occupancy permit for any building on the Lands unless final subdivision approval has been granted for a re-subdivision of Lot W3 , as described in Schedule A-1 and:
- (1) all roads and road reserves shown on Schedule F have been designed to an Urban Industrial Road Standard by a professional engineer in accordance with the Municipal Service System Guidelines except that the right-of-way width for the road reserve to the abutting property to the north-west of the Lands may be reduced to 15.2 metres (50 feet) provided that the design includes an eleven (11) metre wide travel surface, a sidewalk on one side and street trees on one side;

- (2) the Road Right of Way and both Road Reserves to abutting properties have been conveyed to HRM;
- (3) the Ralston Avenue extension has been designed and constructed;
- (4) the Road Reserve to the south-east boundary of the Lands has been constructed to Type 2 Gravels in accordance with the Municipal Service System Guidelines;
- (5) the watercourse traversing the Lands to the north-west boundary has been relocated in a manner generally consistent with the proposal shown on Schedules B-1 and B-2 and in accordance with a plan that has been approved by the Nova Scotia Department of Environment and Labour and which will permit the construction of the future road to the abutting property;
- (6) traffic signals and all required street improvements have been designed and completed at the intersection of Windmill Road and Ralston Avenue to the satisfaction of the Municipal Engineer. The cost of the traffic signals and street improvement shall be paid by the Developer; and
- (7) a public access right-of-way has been established across the Lands to the abutting properties and to the Ralston Avenue extension which:
 - (I) is shown on the plan of re-subdivision of Lot W3 and conveyed to the Municipality in a form acceptable to the Development Officer. The specific location of the right-of-way in relation to the abutting properties shall be approved by the Development Officer in consultation with the appropriate staff from the Municipality's Real Property Planning Services; and
 - (ii) extends over the full travelled width and length of the public boardwalk shown on Schedule F and has a minimum width of 3 metres (9.8 feet); and
- (8) The Municipality acknowledges that the Developer may take measures to restrict public access over this right-of-way established under clause (7) until such time as a public walkway is established to the Lands from one of the abutting properties and such restriction will be included in the public access document granted by the Developer to the Municipality.

PART 4: DEVELOPMENT OF THE LANDS

4.1 The Municipality agrees that the Developer shall be permitted to develop three buildings on the Lands for residential occupancies provided that:

- (1) the services and site grading conform with the schematics presented on Schedules C, D and E, unless alternative designs are proposed which are acceptable to the Municipal Engineer;

- (2) the number of dwelling units within each building does not exceed the number presented on schedule F;
 - (3) the locations of the buildings, driveways, landscaped areas and public boardwalk and public walkway substantially conform with the locations shown on Schedule F;
 - (4) the dimensions and external appearance of the buildings substantially conform with the dimensions and external appearance presented on Schedules G, H and I;
 - (5) each building shall be constructed with exterior masonry with a minimum thickness of four (4) inches, double glazed windows and central air conditioning;
 - (6) each building shall include designated space for three stream (refuse, recycling and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources;
 - (7) all refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing/masonry walls with suitable landscaping;
 - (8) a landscaping plan has been prepared by a professional landscape architect in substantial conformity with the landscaping plan presented as Schedule J;
 - (9) the Lands described in Schedule A-2 are left undeveloped except that walking trails and other minor landscaping that is consistent with a natural park may be undertaken provided that no trees greater than fifteen (15) centimetres in diameter are cut
- 4.2 Notwithstanding clause 4.1 (9), the Lands may be developed if an amendment to this Agreement or a new development agreement is approved by the Community Council in accordance with the procedures of the Municipal Government Act and the policy provisions of the Community Planning Strategy and Regional Planning Strategy.
- 4.3 No occupancy permit shall be granted for any building unless certification has been received from a professional architect that the building has been constructed in conformity with the requirements of clauses (2) to (9) of Section 4.1 of this Agreement.
- 4.4 The Developer shall provide certification from a professional landscape architect that all landscaping measures adjacent to the building have been completed in accordance with the requirements of Clause 4.1 (8) of this Agreement prior to the granting of an occupancy permit for building "A" as shown on Schedule F or shall provide a bond in an

amount satisfactory to the Development Officer for the completion of all outstanding landscaping work whereupon certification shall be provided. The same requirements shall apply to the landscaping adjacent to buildings "B" or "C" (as shown on Schedule F) as the case may be.

PART 5: AMENDMENTS

5.1 The following matters shall be deemed non-substantive and may, at the request of the Developer, be amended by resolution of the Community Council:

- (1) changes to the Site Development Plan presented as Schedule F; the exterior design of the buildings presented as Schedules G, H and I; or the Landscaping Plan presented in Schedule J which, in the opinion of the Community Council are minor;
- (2) a maximum increase of five (5) percent to the number of dwelling units allowed within each building as shown on Schedule F;
- (3) a redistribution of some or all of the units within buildings B and C, as presented on Schedule F;
- (4) an alternative design to the watercourse relocation presented in Schedule B provided that no objections are received from the Nova Scotia Department of Environment and Labour;
- (5) commercial occupancies on the ground floor level of any building; or
- (6) a subdivision of Lot W3 or Parcel PK-WL1A (other than the re-subdivision required under Section 3.1) provided that:
 - (i) cash-in-lieu of parkland dedication is paid to the Municipality in accordance with the requirements of the Subdivision By-law; or
 - (ii) public open space dedication or a public right-of-way access is provided over trails developed over a portion of the lands described in Schedule A-2 (Sheppard's Island); and
 - (iii) each subdivided lot has a minimum of 6.1 metres (20 feet) frontage on a public street.

5.2 The Developer acknowledges that amendments to any matters not identified under Section 5.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act and in accordance with the provisions of the Community Planning Strategy and the Regional Planning Strategy.

- 5.3 In the event that a permit to construct has not been granted by the Municipality for the construction of Building A (as shown on Schedule F) within five (5) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of the Community Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.
- 5.4 In the event that a permit to construct for either Building B or C (as shown on Schedule F) has not been granted by Municipality within fifteen (15) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, the Municipality may, by resolution of the Community Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the time frame for securing a permit to construct.

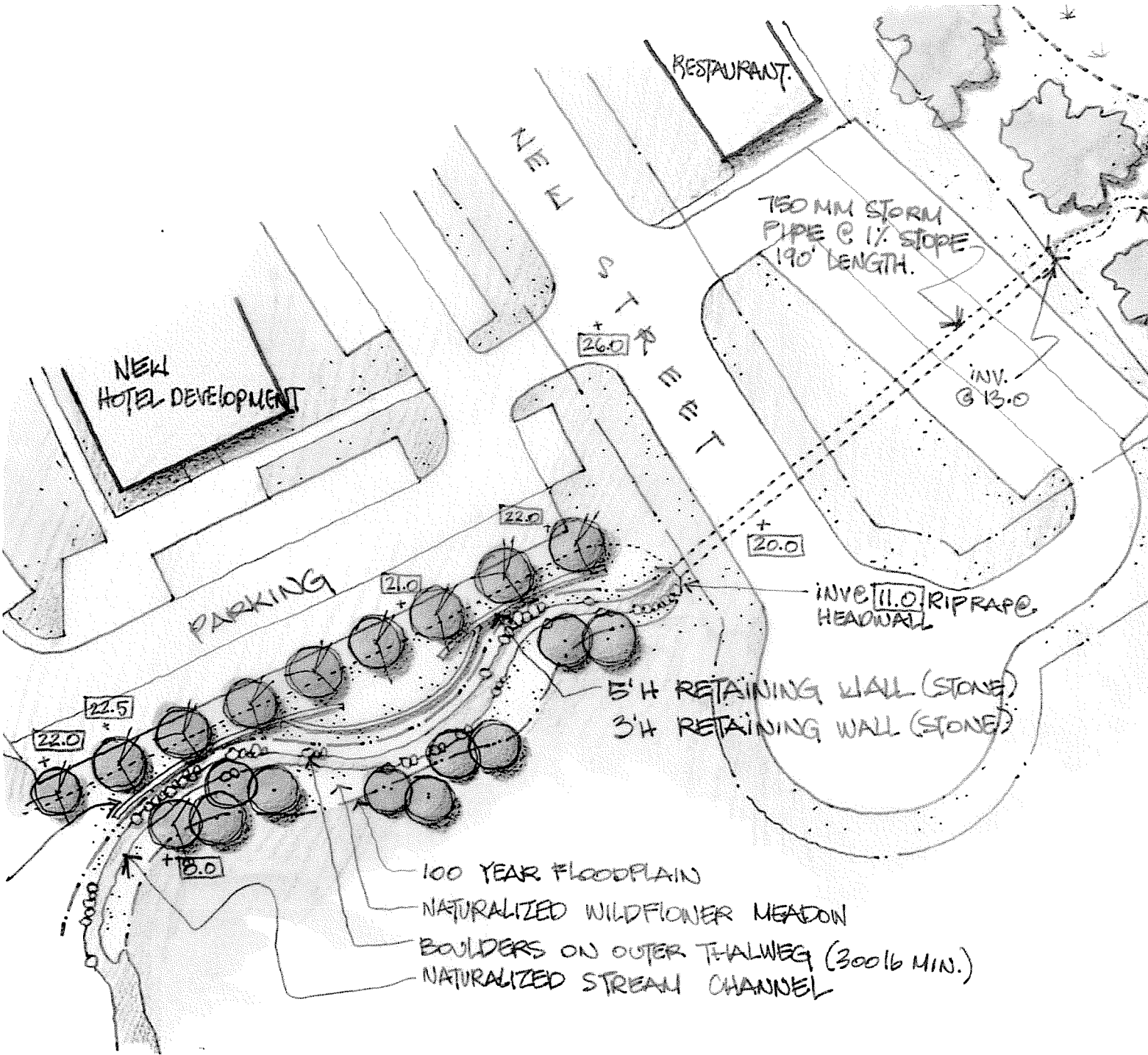
PART 6: ENFORCEMENT

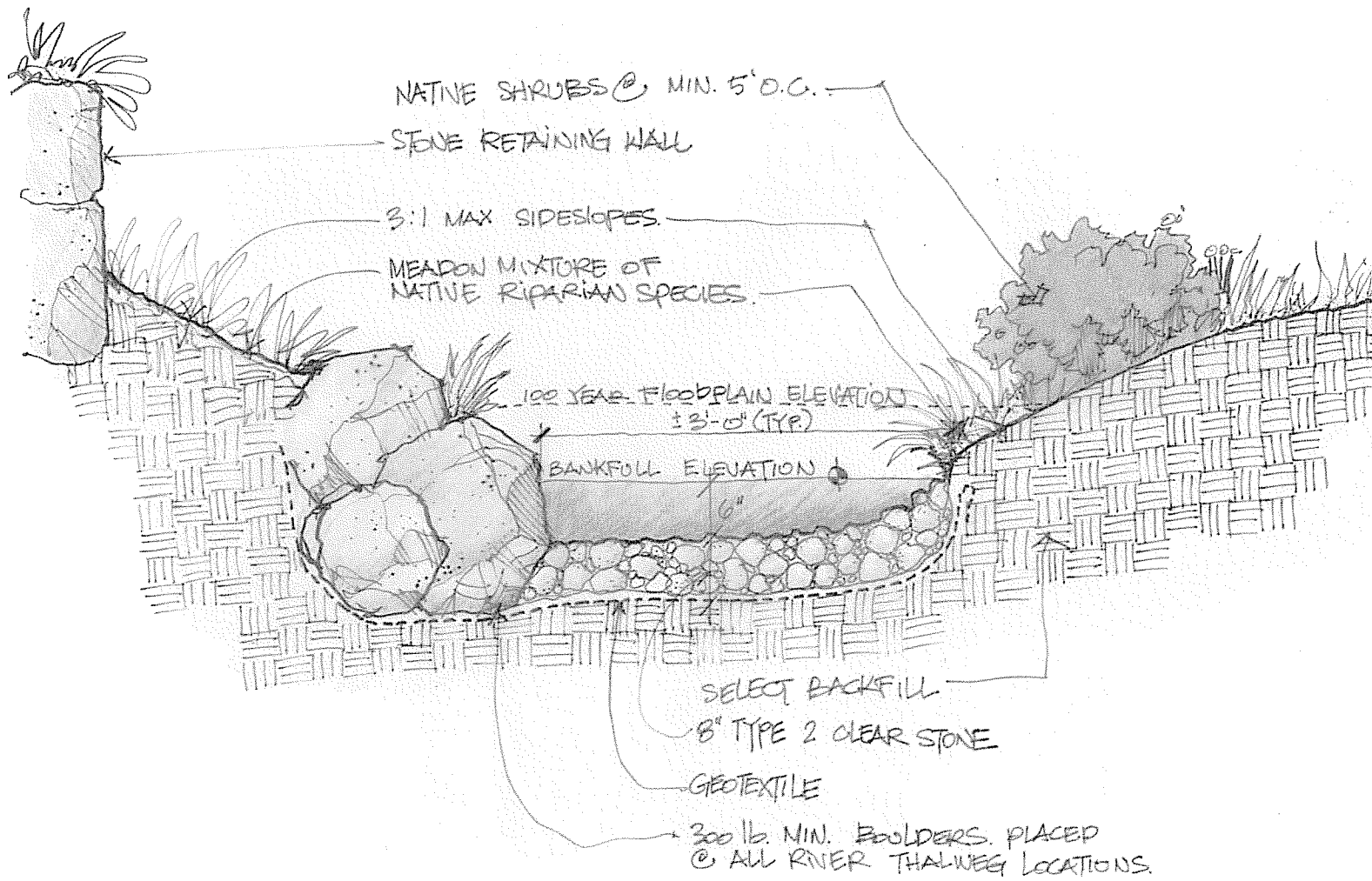
- 6.1 The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.
- 6.2 If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer seven (7) days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:
- (1) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
 - (2) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Lands and be shown on any tax certificate issued under the Assessment Act.

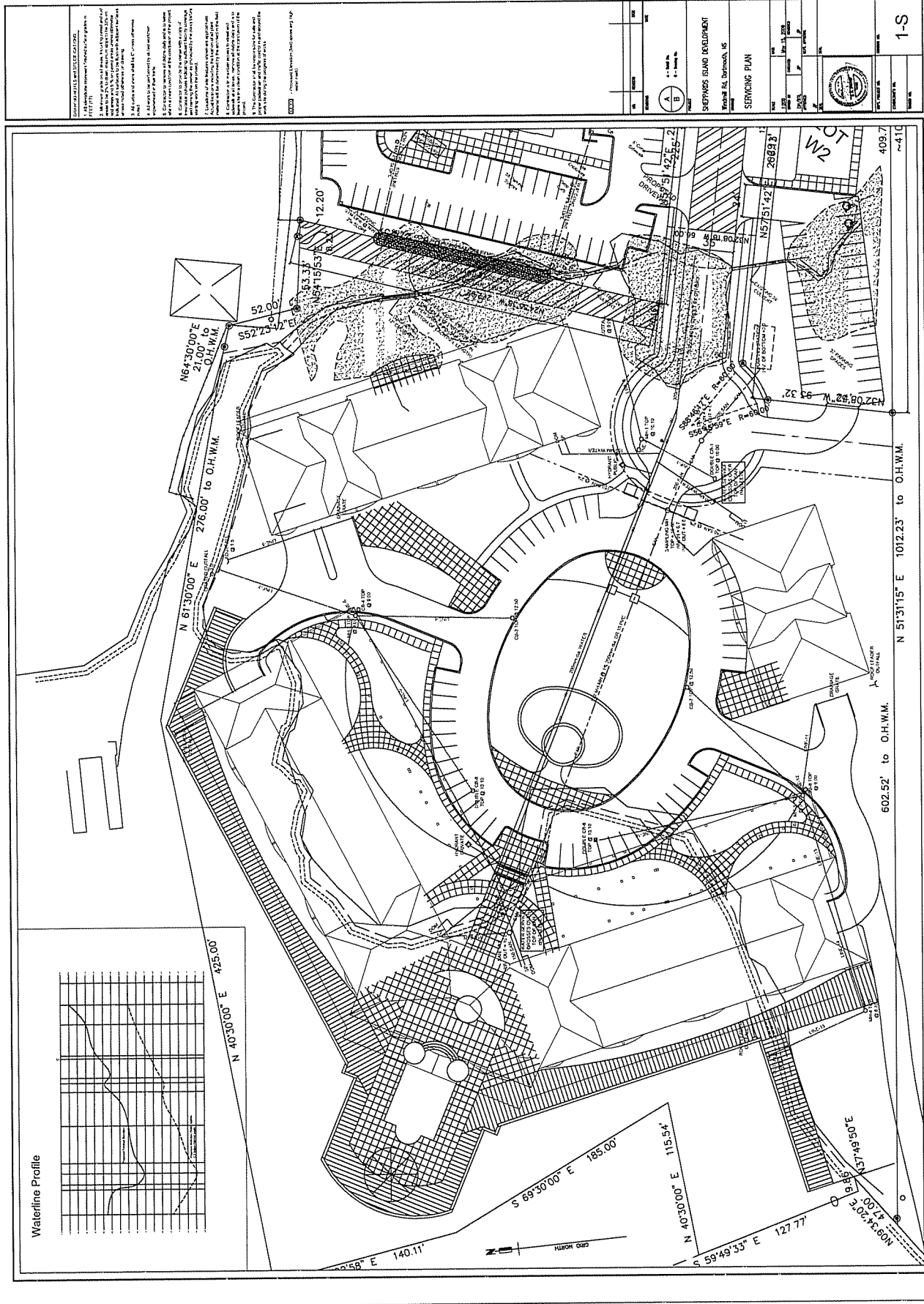
- (3) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and
- (4) in addition to the above remedies the Municipality reserves the right to pursue any other remedy provided for under the Municipal Government Act or available in Common Law.

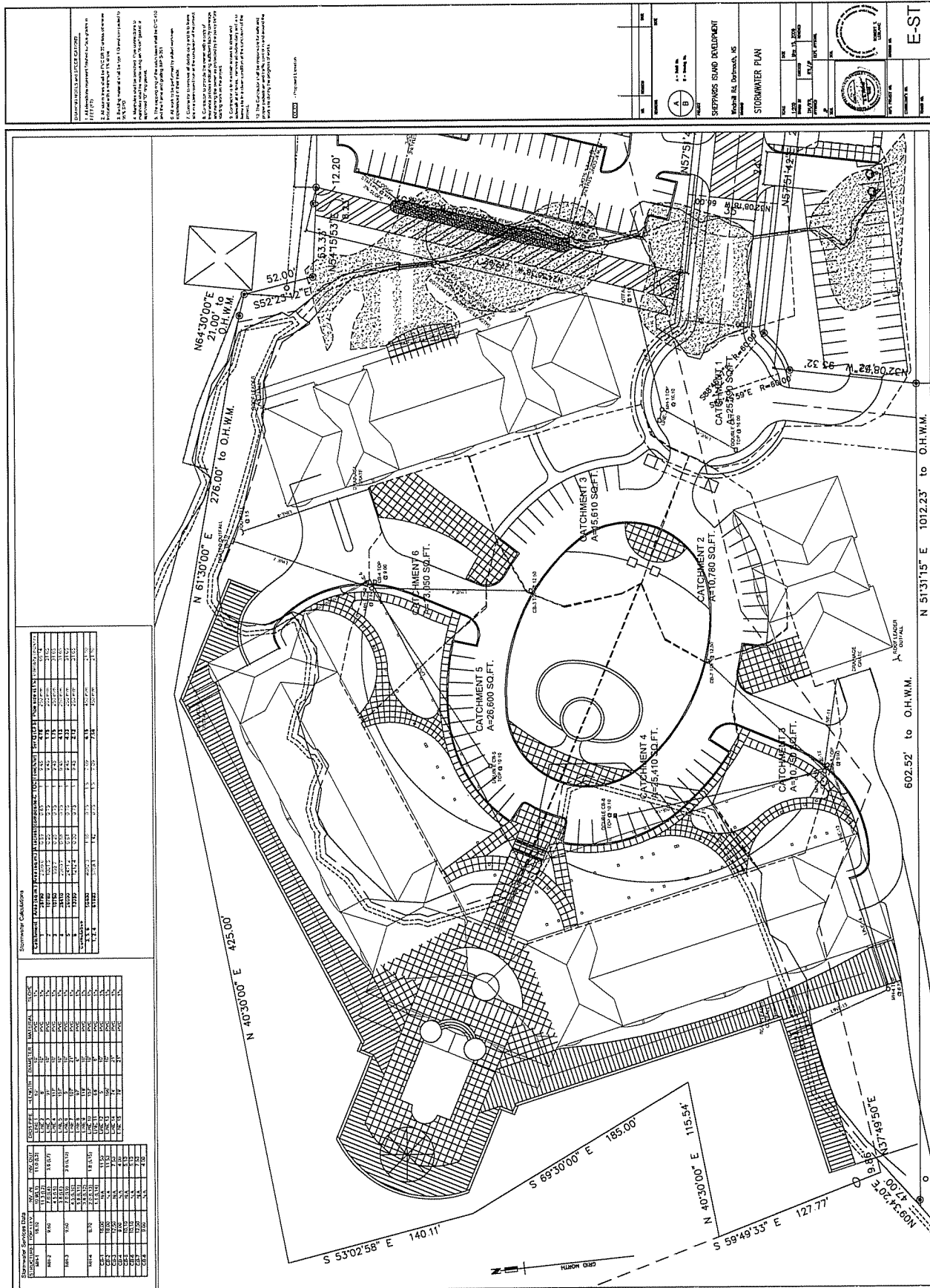
PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

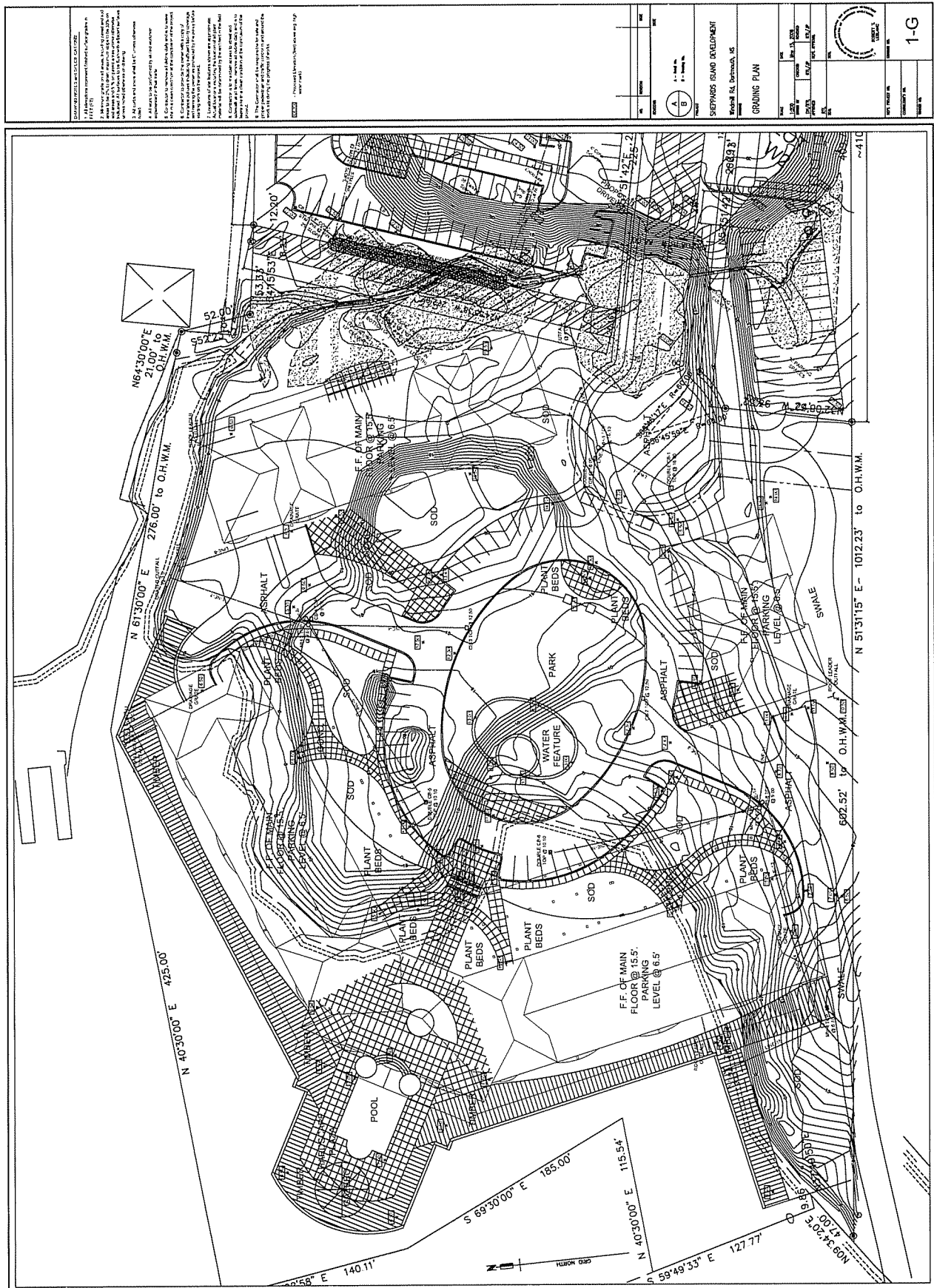
- 7.1 A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.
- 7.2 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.
- 7.3 Upon the transfer of title to any portion of the Lands, the subsequent owner or owners thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the portion of the Lands conveyed.
- 7.4 Upon conveyance of the public street and public street right-of-ways required for subdivision under Part 3 of this Agreement, the said public street and public street right-of-ways shall be deemed to be discharged from this Agreement.
- 7.5 In the event that no construction on the Lands has commenced within five (5) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, no further municipal approvals shall be granted by the Municipality unless, upon receiving a written request from the Developer, an extension for the time frame for commencement has been granted by resolution of the Community Council. In the event that the Community Council does not grant an extension to the time frame for commencement of construction, this Agreement shall be deemed to be discharged whereupon any further subdivision or development of the Lands shall be subject to the Land Use By-law. For the purpose of this section commencement of construction shall mean the completion of the footing for a building.
- 7.6 In the event that construction on the Lands has not been completed within twenty (20) years from the date of registration of this Agreement at the Registry of Deeds, as indicated herein, no further municipal approvals shall be granted by the Municipality unless, upon receiving a written request from the Developer, an extension for the time frame for completion has been granted by resolution of the Community Council. In the event that the Community Council does not grant an extension to the time frame for completion of construction, this Agreement shall be deemed to be discharged whereupon,









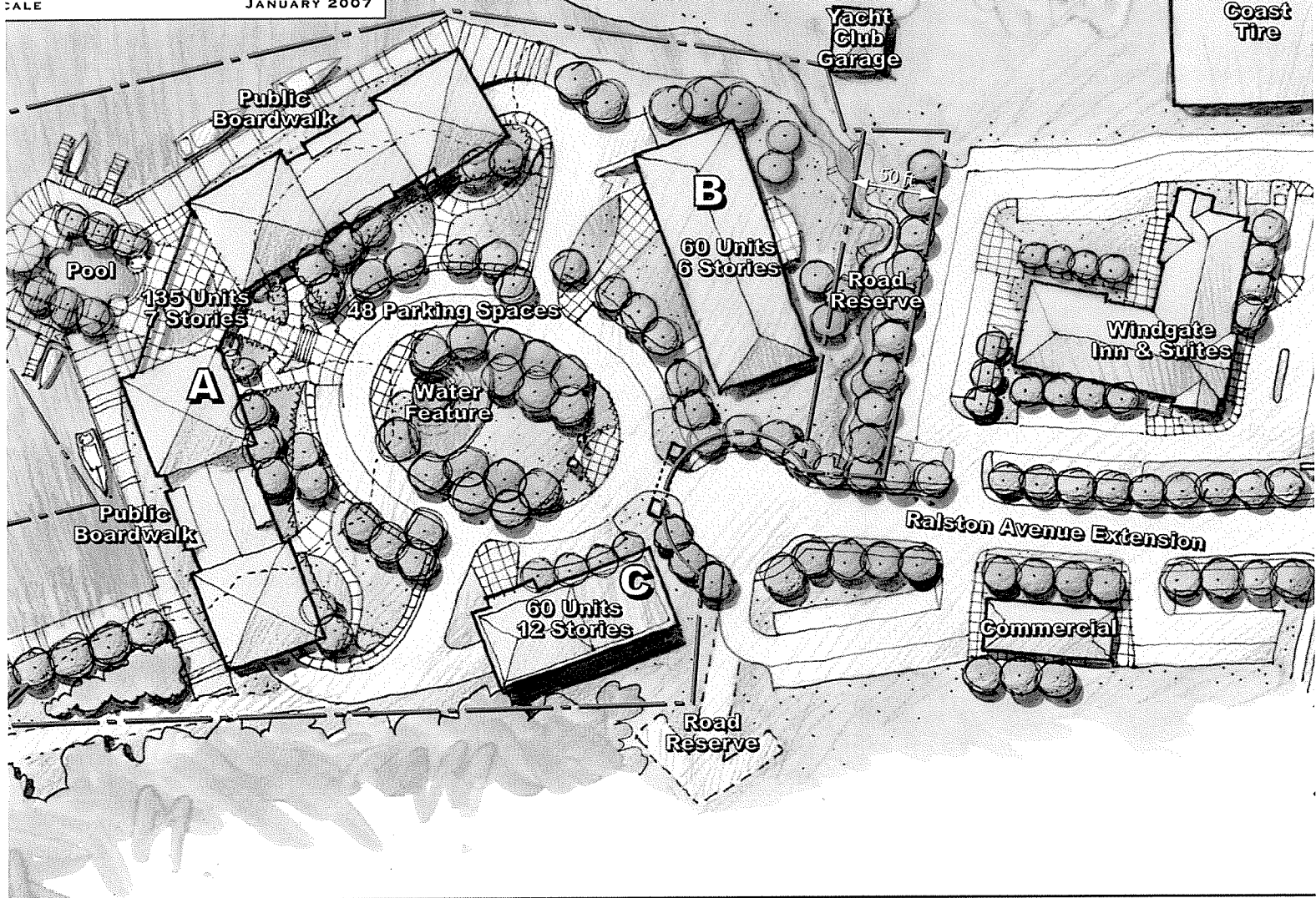


**PPARD'S ISLAND
CONCEPTUAL PLAN FOR
OPMENT PERMIT APPLICATION**

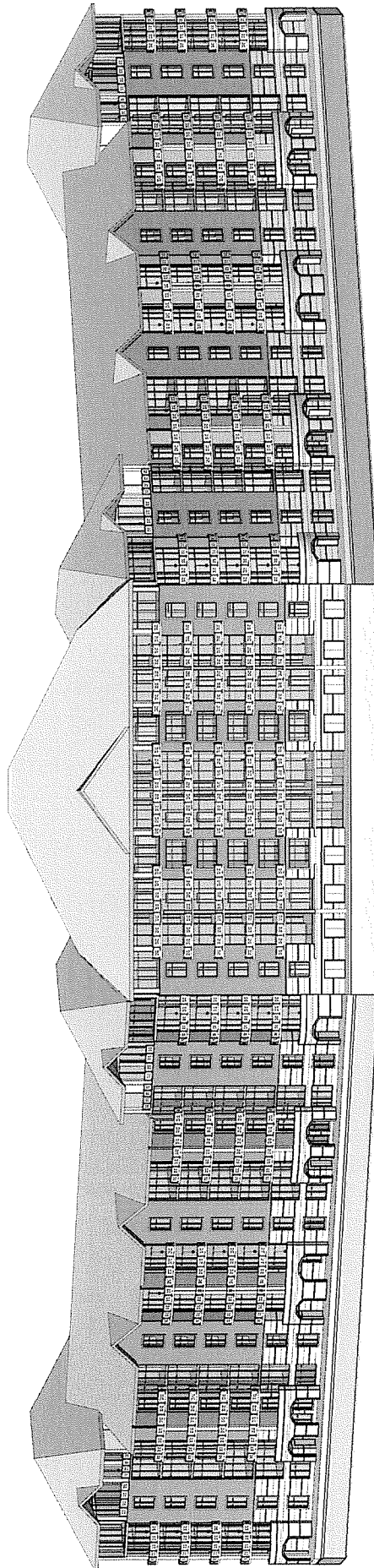
(BLOCK W. WINDMILL RD.)

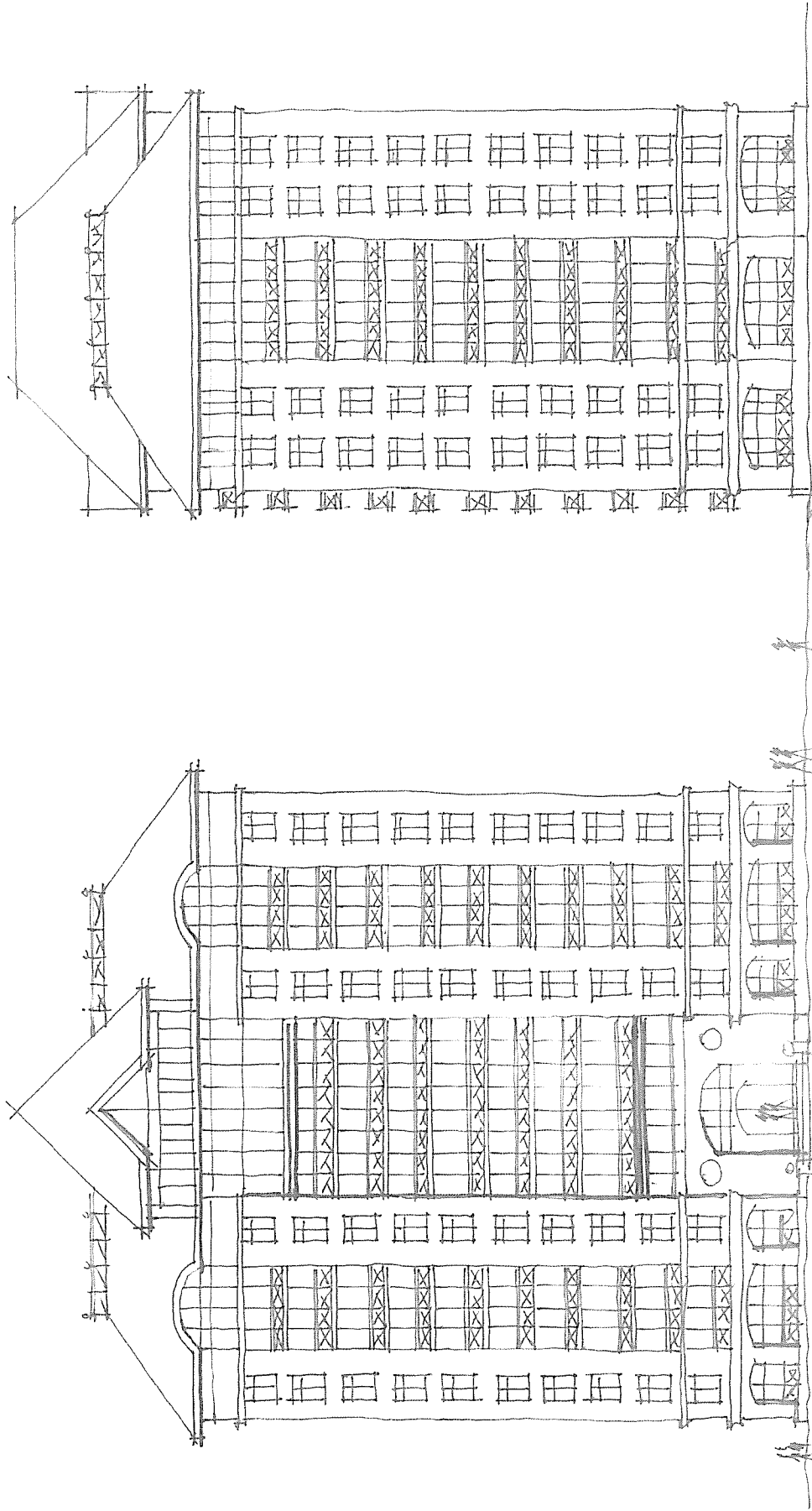
SCALE

JANUARY 2007



Schedule G





DAVIS
STATION
RICHARD
ADAMS
ARCHITECTS INC.

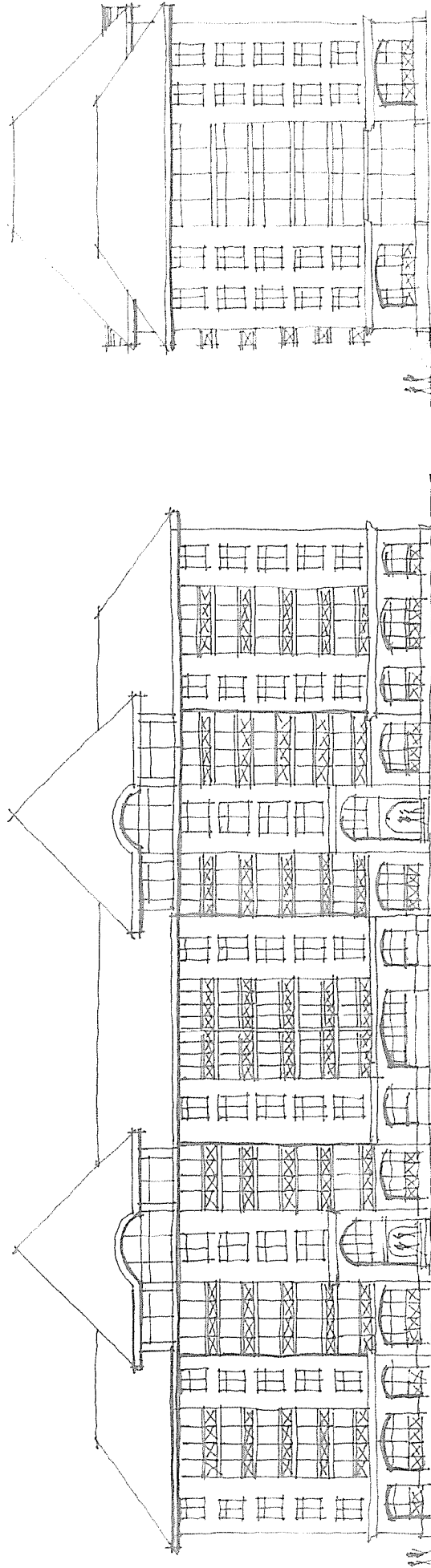
Schedule H

JUNE 27, 2006

20 Feet

SHEPPARDS ISLAND CONDOMINIUMS - 12 STOREY BUILDING

GJR DEVELOPMENTS



DALTON
SHAW
REARD
ADAMS
ARCHITECTS INC.

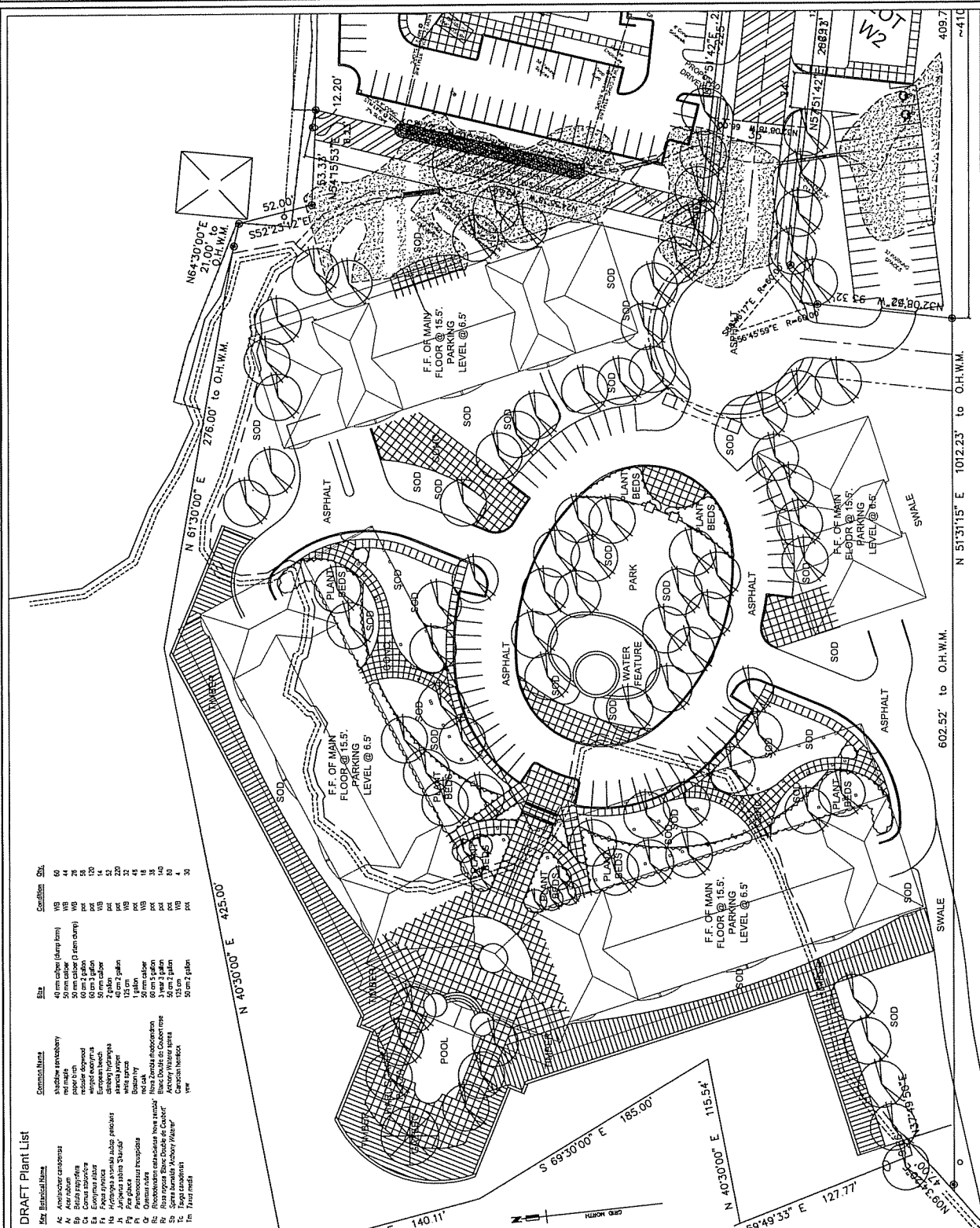
Schedule I

JUNE 27, 2006

201-1-1

SHEPPARDS ISLAND CONDOMINIUMS - 6 STOREY BUILDING

GJR DEVELOPMENTS

[illegible]

ATTACHMENT C

**HARBOUR EAST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING MINUTES
May 24, 2006**

PRESENT: Ray DeRoche, Chair
Councillor Jim Smith

STAFF: John MacPherson, Planner
Sherryll Murphy, Legislative Assistant

**REPRESENTATIVES OF
THE DEVELOPER:** Mr. Joe Ross, President, GJR Developments
Ms Colleen Alexander, GJR Developments
Mr. Rick Buhr, Project Architect
Mr. Rob Leblanc, Ekistics

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4.	ADJOURN	9

1. CALL TO ORDER

Mr. Ray DeRoche, Chair of the Harbour East Planning Advisory Committee, called the meeting to order at 7:00 p.m. He advised that the purpose of the meeting is to hear presentations regarding a request to amend the Municipal Planning Strategy for Dartmouth. He briefly reviewed the process to be followed for the meeting and called upon staff to present the proposal.

2. CASE 00864: AMENDMENT TO THE MUNICIPAL PLANNING STRATEGY OR DARTMOUTH - 675 WINDMILL ROAD AND SHEPPARD'S ISLAND, DARTMOUTH

Mr. John MacPherson, Planner, provided an overview of the application and advised of the following:

- The application is site specific for 675 Windmill Road. It also considers the Wrights Cove Land and Transportation Study,
- The site consist of approximately 8.5 acres and a pre-confederate water lot. The island is also part of the proposal,
- The Wrights Cove area includes mixed commercial, industrial, residential and recreation uses,
- Most of the abutting lands are designated industrial uses. The current policy does not consider residential zoning,
- The main objective of the Wrights Cove Study is to determine what lands should be retained and the long range infrastructure growth. The results of the study have been presented to Council and endorsed in principle. The study speaks to the different land classifications to guide the future development of the lands,
- The property has a related residential commercial designation under the Regional Plan. This designation envisions residential and commercial and some industrial use,
- To control some types of residential, uses a development agreement would be required. This would enable staff and Council to apply specific provisions to guide the future growth of these properties.

Mr. MacPherson provided an overview of the planning process noting that a joint public hearing with Harbour East Community Council and Regional Council on the policy and development agreement would be scheduled.

Mr. Joe Ross, GJR Developments, thanked the public for attending the meeting and noted that he is a custom home builder. Three years ago he viewed the site for the first time and was struck by the natural beauty of the site and envisioned an old world structure. He stated that he was interested in receiving the public input this evening.

Ms. Colleen Alexander, thanked the public for attending as it indicates an interest in the community. She introduced the following people from the project team Mr. Rick Buhr, Project Architect, Faular, Bald & Mitchell and Mr. Rob Leblanc, Ekistics.

Mr. Rob Leblanc, Ekistics, utilizing a PowerPoint presentation, provided an aerial view of the site. He noted the following:

- The site has prevailing summer winds from the south/southwest and in the winter from the northwest,
- There is an "as of right" hotel development at the northern part of the site,
- The focus of this discussion is the area on the lower shelf near the Ralston Avenue Extension,
- The conceptual drawing shows a park, skating areas and underground parking under the structures,
- The first phase of the proposal is along the waterfront,
- The intent over the long term is to create a trail around the harbour and a public board walk,
- The wetland is currently denuded,
- The developer will introduce native vegetation, and provide treatment of the public boardwalk.

Mr. Rick Buhr, provided a brief overview of the building and commented that;

- The plan is conceptual, and there are a number of decisions yet to be made,
- The building is a six-storey condominium development that sits on a parking podium of 145 parking spaces (4 feet below and 4 feet above grade),
- The residential component contains 120 to 135 units,
- The main floor consists of residential units and common space which includes meeting rooms, lounges, swimming pools and exercise rooms,
- They are considering using stone and precast on the exterior,
- The design is of a chateau, Second Empire style and with nautical influence,
- The building will be concrete, fire and sound proof. The noise will be mitigated by design standards similar to those you would find in a residential building next to an airport.

Ms. Heather Shumaker, Basinview Drive asked where the building is in relation to the diagram as there are two buildings side by side.

Mr. Buhr clarified that the buildings are separate.

Ms. Mary Shumaker, Basinview Drive applauded the project and stated that it is wonderful. She asked when they would know exactly what is going to happen.

The Chair advised that the proposal is a concept plan, when the Municipal Planning Strategy is approved by Council then the plans will be more concrete.

Mr. MacPherson stated that:

- Staff is reviewing the proposal in consultation with other business units and outside agencies,
- Staff will then develop policy criteria, draft a development agreement and present the report to Council,
- The public will have an opportunity to see the final project and provide further input at the public hearing stage,
- The Wrights Cove Land and Transportation Study indicates that there is the potential for noise abatement, however this proposal has addressed some of those concerns,
- There is also a keen interest in public access to the water for which HRM has the ability to negotiate a right of way.

Ms. Mary Shumaker, stated that she is not opposed to the project as long as it is compatible with the area.

Mr. Gerry Pye, Dartmouth, stated:

- He has been waiting a long time to see residential development on the Dartmouth side of the Bedford Basin,
- That the policy change comes first without the public having had an opportunity to see the actual plan and this causes him concern,
- There is nothing in the proposal regarding the significant environment features and what would be done about energy conservation issues,
- The public should know the details of the proposal.

In response to Mr. Pye Mr. MacPherson commented that Council has final decision making authority. He noted that a second public meeting could be held so that citizens could have input and a second view of the proposed development. This will be staff's recommendation.

Mr. Ross indicated this is a condominium development and there are no plans at the current time for commercial uses.

Mr. Pye stated the he would like to be sure that the development is what the community wants and that it will blend with the surrounding communities. It is important that the door remain open to public participation.

The Chair commented that HRM has adopted a process to involve the public in these matters to the extent possible. He believes that HRM and the Councillors are ensuring public input and interest are maintained.

Mr. Scotty Brook, Dartmouth stated that he liked the proposal and expressed concern regarding the height of a 12-story building as it may not fit into the area. He asked the following questions:

- What would the traffic impact be on Windmill Road?
- Will there be any stores servicing the building and residents?

Responding to Mr. Brook, Mr. MacPherson commented that the height is conceptual at this time as the number of units are unknown at this time. He advised that he is reviewing the traffic study and that residential supporting uses could be accommodated under the development agreement.

Mr. Wayne Shappel, Dartmouth Yacht Club, asked for clarification on the pre-confederation water lot development for Sheppard Island. It is his understanding that there are legal issues regarding access to the Island.

Mr. MacPherson advised that pre-confederation water lots are common and have the potential to be infilled. HRM does not have authority over the infilling of lots, therefore the application would have to be reviewed by those regulatory authorities.

Councillor Smith commented that generally the proposal it is a good plan. He asked if Sheppards Island is part of the amendment noting that it was designated Open Space.

Mr. MacPherson clarified that the island is not part of the application. The developer was previously considered providing access to Sheppard's Island. As noted by the Councillor, the island is designated Open Space and the recommendations of the study is to keep it essentially green. The Open Space designation also provides for amenities and public recreation opportunities.

In response to further questions from Councillor Smith he advised that the hotel is an "as of right" development and that the height of the building would require a more detailed review. The development agreement can be structured in a variety of ways to address the two other buildings.

Ms. Kate Gillard, commented that it is her understanding that the hotel is in the works and asked whether there is the potential for an extension from Ralston Avenue and the installation of traffic lights.

Mr. MacPherson responded that there will be a lighted intersection at Windmill Road, it is intended that the infrastructure would be in place when the hotel is built.

Ms. Kenda MacKenzie, Development Engineer, advised that the hotel and the smaller commercial building are "by right." A traffic study was completed for the entire development. The traffic study indicated that with the construction of 4000 square feet of space a traffic light at the intersection would be required. It is proposed that a functioning traffic light will be in place with either the opening of a hotel or a commercial building.

Mr. MacPherson clarified the following:

- No residential component could occur, the site is designated Industrial,
- The policy would have to change to enable a residential zone
- From this point to the permit stage the process is discretionary,
- A technical review can change things,
- HRM's turnaround time is approximately eight months to one year.

Mr. Gerry Pye, Dartmouth, thanked Mr. Ross and everyone involved for their vision of development. In reference to pre-confederation water rights near the Yacht Club garage he expressed concern that the developer can fill the water area between the garage and the site, given that HRM has no input into that process.

Mr. Ross commented that HRM staff will scrutinize the proposal as part of the process.

Mr. Kim Patridge, Burnside News questioned the odds of finding in favour of the amendment and the development agreement.

Mr. MacPherson advised of the following:

- A similar application was considered under the existing zoning to create a condominium hotel development,
- The Development Officer refused the application because it still had a residential component which was not permitted under the current zoning,
- The decision was appealed and the Nova Scotia and Utility and Review Board upheld the Development Officers' decision,
- Part of the advice received from the Wright Cove Study was the potential feasibility of residential uses and that HRM should consider it,
- This particular proposal was initiated by Council and staff is now conducting their evaluation which includes the compatibility and technicalities of a development of this scale,
- These issues will all need be addressed to staff's satisfaction prior to making a recommendation to Council.

Dr. Wanda Thomas Bernard, North Dartmouth stated:

- She has been a resident of North Dartmouth for 35 years,
- Dartmouth has had a lot of negative press and needs something positive,
- The development will be positive and she is speaking in favour of the development,
- It is a socially conscious development project and is a people and community friendly development,
- She encouraged staff to seriously consider the application.

In response Ms. Gillard, MacPherson agreed that the proposal is in keeping with the Regional Plan and the that the public's comments are valid , further that the Regional Plan encourages mixed development in this area.

A representative of the Environment Committee of Kayak Nova Scotia commented that he is pleased to see the development on the mainland and not on Sheppard's Island. He hopes that Council approves the Wrights Cove Strategy. He noted that he likes the public access and walkway and asked if the development plan was intended for the island.

Mr. Ross responded that there was never any intention that the development extend to the island. The access to the island for nature trails was intended to alleviate concerns about industrial development.

Mr. Hugh Brail, Dartmouth stated that it is highly commendable to see developments from the private sector. As a potential purchaser of property, he raised concern regarding the timelines for a project to be approved.

Responding to Mr. Brail's concern, Mr. MacPherson commented that the time lines are tentative because there are three levels of government involved and there are a number of factors involved in harbour front development.

Mr. Roger Wells added the following comments:

- He is part of an inter-agency committee that is reviewing the issue of water lot infill throughout HRM,
- There are three federal and two provincial agencies who are involved in the approval of waterlots.
- All five agencies have independent mandates and approval criteria. They often work independent rather than cooperatively,
- He cannot provide time lines or assurances as to the length of the approval process,
- Due diligence will also be required by the Department of National Defence to ensure that the unexploded ordnance that on the seabed would not result in any accidents.

Mr. MacPherson added that staff can manage HRM's internal time lines.

Mr. H. Brail, expressed concern regarding the invisibility of political will for positive partnerships. It very rare to find a well-thought out project. He would hate to see this project not get due credit as a result of a lack of leadership.

The Chair pointed out that the public can influence the political will.

Mr. Dave Langway, Commodore of Dartmouth Yacht Club, made the following comments

- The developers have been forth right in keeping the club well informed,
- He looks forward to the beautification of the property,
- There is nothing negative about the project,
- The proposal would increase the property values and activity in the areas.

Mr. Jack Whiting, Dartmouth, stated that he has been observing this project for a long time and hopes that someone can get things going a little quicker.

Ms. Sandra Cogswell, commented that as a lifetime resident of Dartmouth, the proposal is a positive addition to the waterfront.

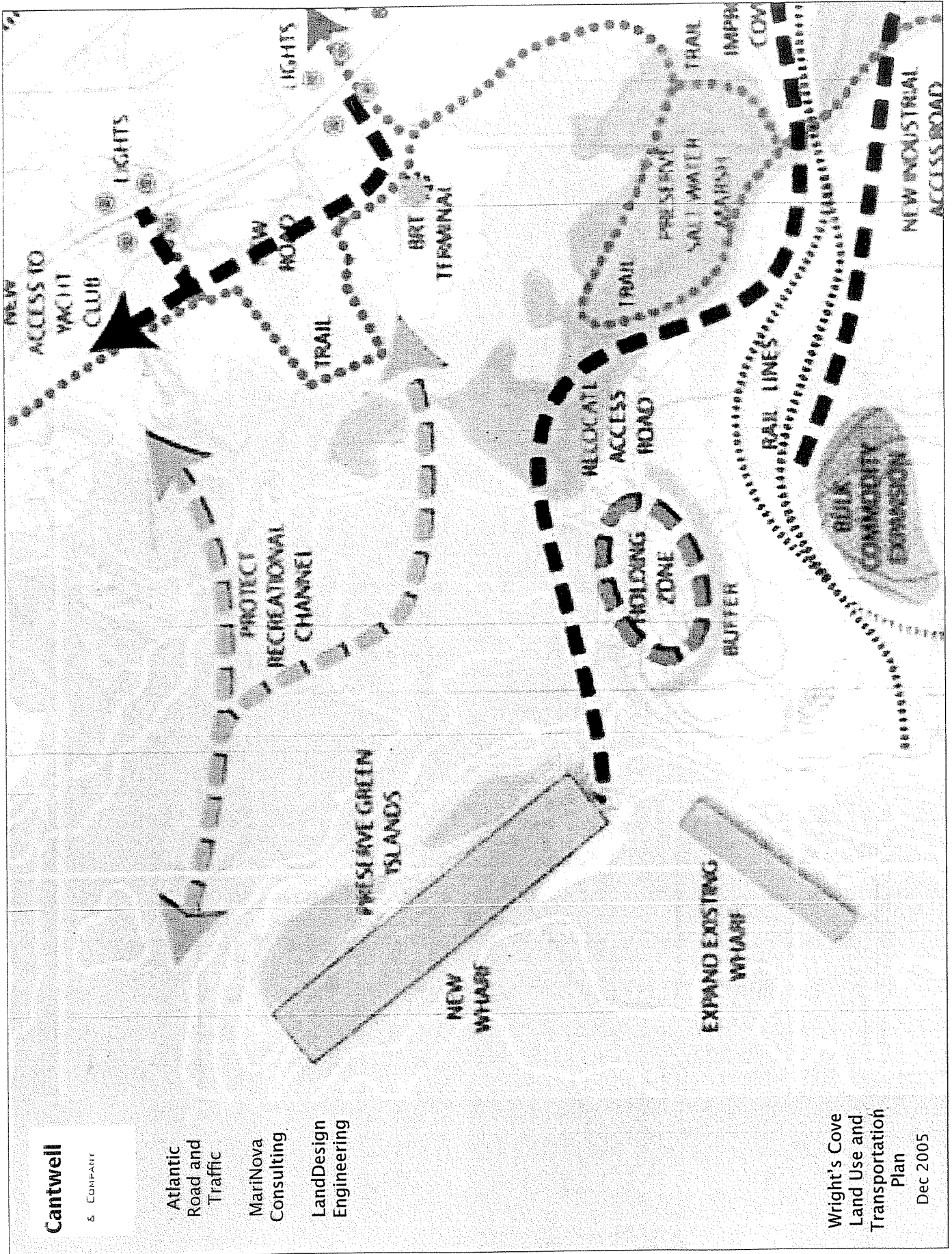
CLOSING COMMENTS

The Chair, thanked those in attendance for participating out.

3. ADJOURNMENT

The meeting adjourned at 8:31 p.m.

Sherryll Murphy
Legislative Assistant



Cantwell

& COMPANY

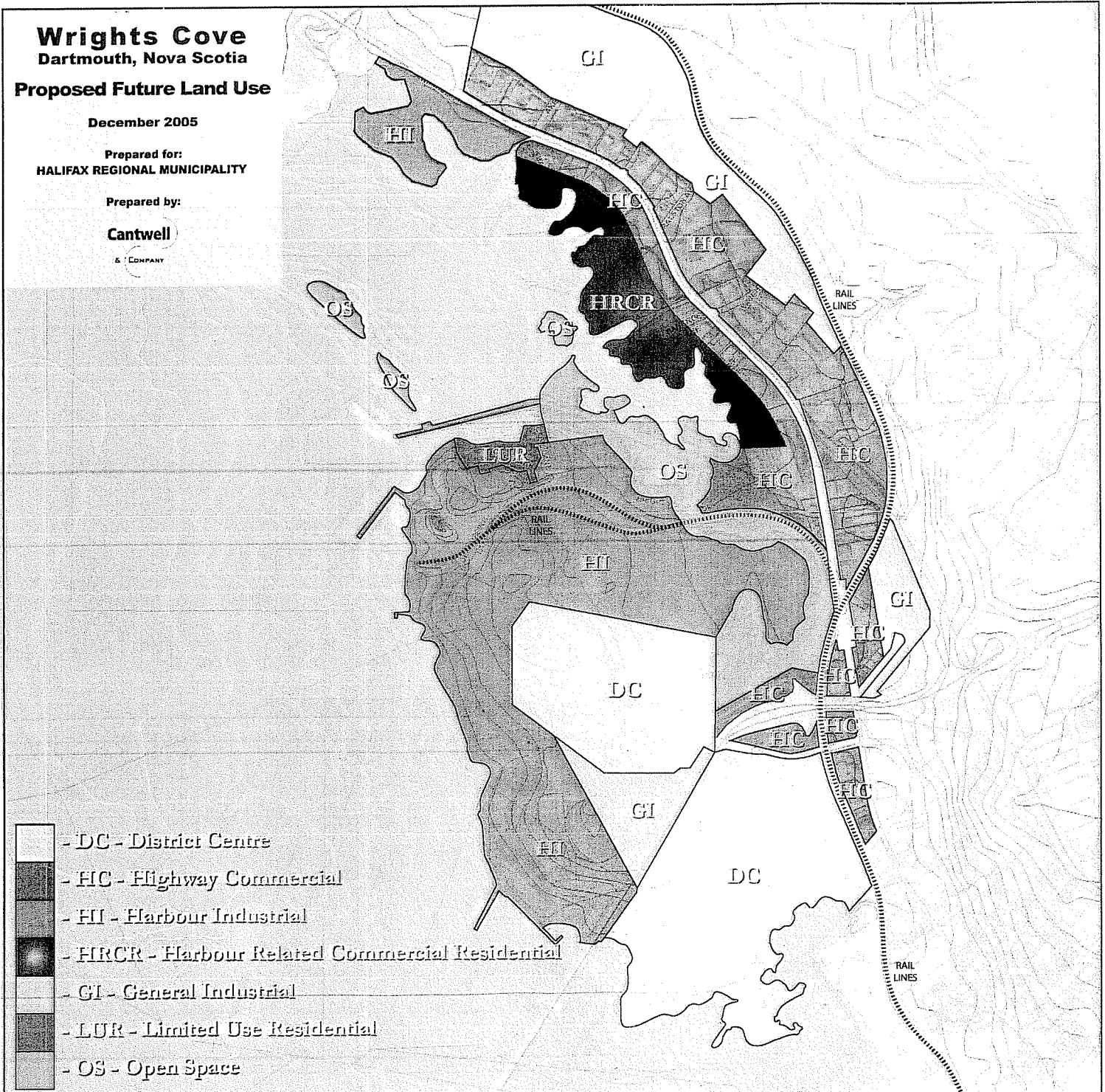
Atlantic
Road and
Traffic

MariNova
Consulting

LandDesign
Engineering

Wright's Cove
Land Use and
Transportation
Plan

Dec 2005



Attachment E

Maxim 2000 Inc.

From: "Dan Dean" <ddean@maximconstruction.ca>
To: "Maxim 2000" <maxim2000@maximconstruction.ca>
Sent: November 30, 2006 10:42 AM
Subject: Fw: Sheppard's Is;and Condos

Dan Dean
Business Development
Maxim Construction
General contractor/Construction manager/Design build
11 Morris Dr. Suite 212
Dartmouth, N.S. B3B 1M2
Office # (902 468 7471)
Fax # (902 468 7715)
Cell # (902 449 1047)
Email: ddean@maximconstruction.ca

----- Original Message -----

From: [Hugh Davison](#)
To: ddean@maximconstruction.ca
Sent: Thursday, November 30, 2006 9:11 AM
Subject: Sheppard's Is;and Condos

Dan

The project design incorporates several features to minimize the impact of noise on the residents.

Firstly, the building has been located at the waters edge, as far as possible from Windmill Road and the noise generated by traffic and the industrial park.

Secondly, the interior design has been arranged around a series of 5 elevator cores instead of a building with one core and long double loaded corridors. This allows virtually all units to face the water and turn their backs to the industrial park.

Thirdly, the building has been angled so that most of the units face the Basin and away from the gypsum loading wharf.

Fourthly, the exterior masonry and double glazed windows help reduce the transmission of sound into the units.

Hugh Davison
DSRA Architects Inc.
1526 Dresden Row, 5th Floor
Halifax, NS
B3K 3J3
902 420-9990
hughdavison@dsra.ca

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.409 / Virus Database: 268.15.2/559 - Release Date: 30/11/2006

30/11/2006

ATTACHMENT F

EVALUATION OF POLICY IM-5

Policy IM-5:

It shall be the intention of City Council to require Development Agreements for apartment building development in R-3, R-4, C-2, MF-1 and GC Zones. Council shall require a site plan, building elevations and perspective drawings for the apartment development indicating such things as the size of the building(s), access & egress to the site, landscaping, amenity space, parking and location of site features such as refuse containers and fuel storage tanks for the building.

In considering the approval of such Agreements, Council shall consider the following criteria:

- (a) adequacy of the exterior design, height, bulk and scale of the new apartment development with respect to its compatibility with the existing neighbourhood;*

There are no neighbourhoods in the vicinity of this proposal which could be reasonably be construed as being adversely affected by the design, height, bulk or scale of this development.

- (b) adequacy of controls placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:*
 - (i) the height, size, bulk, density, lot coverage, lot size and lot frontage of any proposed building;*

The site plan and building designs be reasonably consistent with the site plan and the building elevations presented on Schedules F to I of the agreement.

- (ii) traffic generation, access to and egress from the site;*

A traffic study was prepared in conjunction with this application which has been reviewed and accepted by Traffic Services. Traffic signals will be required to be installed at the intersection of Ralston Ave. and Windmill Rd. The Developer has agreed to install the signals at its expense prior to an occupancy permit being granted for the first building (clause 3.1(6)).

- (iii) parking;*

The development must conform with parking standards are established under the Land Use By-law

(c) adequacy or proximity of schools, recreation areas and other community facilities;

The School Board has advised that the schools which would service this development have adequate capacity. Recreational and other community facilities are not currently within walking distance of the site but are within reasonable commuting distance.

(d) adequacy of transportation networks in, adjacent to, and leading to the development;

The Wright's Cove Plan recommended a number of improvements to Windmill Road to improve traffic flows and safety. One of the key recommendations was to reduce the number of driveway accesses to the highway from the harbour side by creating parallel service roads which would direct traffic to signalized intersections.

The proposal for this property is consistent with the study recommendations. Road right-of-ways from the Ralston Ave. extension are to be extended to the abutting property lines at the locations shown on Schedule F and conveyed to the Municipality prior to granting an occupancy permit for the first building (see clauses (1) to (6) of Section 3.1 of the agreement). Provision is thereby made for future service roads extending onto adjacent lands with access to the signalized Ralston Ave. - Windmill Rd. intersection.

- (e) adequacy of useable amenity space and attractive landscaping such that the needs of a variety of household types are addressed and the development is aesthetically pleasing;*
- (f) that mature trees and other natural site features are preserved where possible;*
- (g) adequacy of buffering from abutting land uses;*

The proposed landscaping plan is presented as Schedule J to the agreement. Amenities for the residents would include a central park area, the waterfront board walk and a pool. Most of the trees on the mainland portion of the site have previously been removed. New trees will be planted in accordance with Schedule J.

(h) the impacts of altering land levels as it relates to drainage, aesthetics and soil stability and slope treatment;

A watercourse passes through this property and discharges into the cove adjacent to Dartmouth Yacht Club property. The development agreement requires that this watercourse be relocated in a manner consistent with the plans shown as Schedules B-1 and B-2 of the agreement and the design receive approval from the N.S. Dept. of Environment & Labour.

(i) the Land Use By-law amendment criteria as set out in Policy IP-1(c).

Policy 1P-1

(c) Zoning Bylaw

The Zoning Bylaw is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. In considering zoning amendments and contract zoning, Council shall have regard to the following:

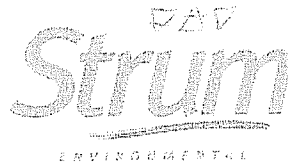
- (1) that the proposal is in conformance with the policies and intents of the Municipal Development Plan*
- (2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal*
- (3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries*
- (4) that the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the City is to absorb any costs relating to the development*
 - (ii) the adequacy of sewer and water services and public utilities*
 - (iii) the adequacy and proximity of schools, recreation and other public facilities*
 - (iv) the adequacy of transportation networks in adjacent to or leading to the development*
 - (v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas*
 - (vi) preventing public access to the shorelines or the waterfront*
 - (vii) the presence of natural, historical features, buildings or sites*
 - (viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized*
 - (ix) the detrimental economic or social effect that it may have on other areas of the City.*
- (5) that the proposal is not an obnoxious use*
- (6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:*
 - (i) type of use, density, and phasing*
 - (ii) emissions including air, water, noise*
 - (iii) traffic generation, access to and egress from the site, and parking*
 - (iv) open storage and landscaping*
 - (v) provisions for pedestrian movement and safety*
 - (vi) management of open space, parks, walkways*
 - (vii) drainage both natural and sub-surface and soil-stability*

- (viii) *performance bonds.*
- (7) *suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors*
- (8) *that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council*
- (9) *that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide:*
 - (i) *Council with a clear indication of the nature of proposed development, and*
 - (ii) *permit staff to assess and determine the impact such development would have on the land and the surrounding community*

The Dartmouth Planning Strategy makes reference to potential development constraints posed by unexploded ordinances in the Wright's Cove area. In response, the Developer retained a consultant, Strum Environmental, to undertake a survey of his property. The report, presented as Attachment G, concluded that there is no evidence of unexploded ordinances on the site.

There are no evident matters arising from these criteria which have not been previously addressed or which pose concern from the perspective of staff if this development is approved. The Regional Water Commission has reviewed the proposal and appears satisfied that central water can be provided. A review of the municipal sewer system was provided to the satisfaction of municipal engineering staff that concluded there is sufficient capacity in the system to accommodate this development.

Implementation of this agreement with the Municipality will be contingent upon the Developer receiving the required approvals from senior levels of government for partial infill of the water lot.



July 14, 2006

Mr. Joe Ross
GJR Developments Ltd.
16 Cleveland Crescent
Dartmouth, NS B3A 2L6

Dear Mr. Ross,

Re: UXO Clearance Dive

Thank you for retaining Strum Environmental to coordinate a UXO (un-exploded ordnance) clearance dive in Wright's Cove, west of the shoreline at 675 Windmill Drive, in Dartmouth, Nova Scotia. Please find as follows the results of the UXO investigation.

Background

The site, and the associated water lot, is part of a proposed development project envisioned to include 300 or more individual condominium units in a five to six storey structure, a perimeter boardwalk overlooking the Bedford Basin (and Wrights Cove), and possibly an area near the front of the development for boat landing and water taxi pick up. As part of the proposed project, development and infilling of the shoreline area is planned.

Due to the proximity of a neighbouring Department of National Defence (DND) property to the proposed development site, contact was made with Mike MacDougall at DND to discuss the potential for UXO's within the proposed infilling area. Mr. MacDougall has indicated that the Department of National Defence has established that a blast halo or possible ordnance halo exists in proximity to the Dartmouth Magazine. The halo is considered to encompass a radius of 1 kilometre extending from Rent Point. Based on this information, the subject site is located outside and to the south of the DND UXO halo.

Prior to completing infilling and construction activities, a geotechnical assessment was required to assess the existing water lot floor materials as part of structural assessment and design commencement, including the advancement of boreholes in the water.

Objective

Although the subject site is outside of the blast halo and appears to be beyond the 1 km "buffer zone", a qualified dive team was retained to complete a seafloor screening survey for potential UXOs, prior to the initiation of the geotechnical assessment and future site development. The survey was carried out to determine if UXOs might be present or if UXO related debris might be present, requiring a more detailed assessment.

Methodology

Mr. Larry Baillie was retained to complete the UXO clearance survey. Mr. Baillie has several years of experience as an explosive consultant and has conducted numerous UXO clearance dives, as detailed in his curriculum vitae, attached.

Following the initial site visit, borehole locations and a site diagram were provided to Mr. Baillie. An initial assessment was made to complete a surface check of the area using a mask and snorkel on June 17, 2006. The assessment was completed at low tide and the surface area above the low water mark was found to be rocky and solid. Two borehole locations were cleared at this time (BH101 and BH102). The water depth beyond the low water mark dropped off quickly and 25-30 centimetres (10-12 inches) of heavy silt was encountered at a depth of 1.2 metres (4 feet). Due to the heavy silt and water depth, it was necessary to assemble a dive team to survey the remainder of the borehole locations.

On June 20, 2006 Strum staff and Connors Diving marked all borehole locations using GPS equipment. The surface sites, which are exposed at low tide, were visually checked as before, while the underwater sites (BH105 to BH107) were checked by the dive team, lead by Mr. Baillie, to a radius of 4.5 metres (15 feet) using a metal detector.

On June 26, 2006 four additional borehole locations were marked (BH103, BH104, BH108, and BH109) using GPS equipment and were assessed to a radius of 4.5 metres (15 feet). Contacts consisting of chain, cans and tires were encountered during the clearance dive. These items were moved outside the 4.5 metre (15 foot) range and the area was swept again.

Please refer to the attached diagram for the locations of all boreholes and all areas assessed for UXOs.

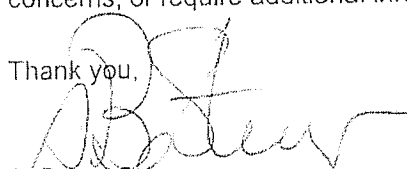
Results

No evidence of UXOs or related debris was encountered at any time during the three clearance dive assessments

Closing

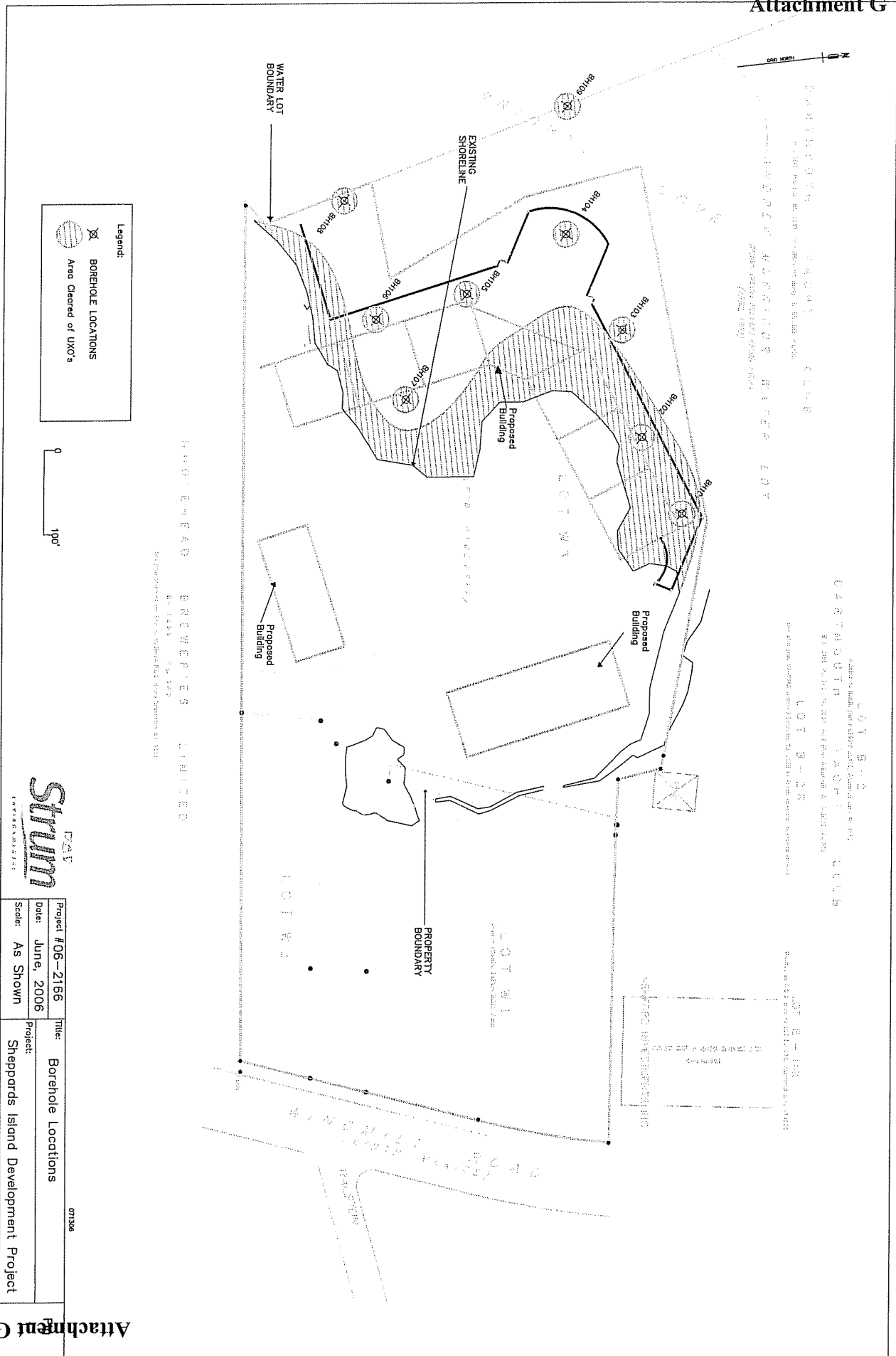
We trust this correspondence meets your needs at this time. If you have any questions, concerns, or require additional information, please do not hesitate to contact us.

Thank you,


A: Bruce Strum
President

bstrum@strumenvironmental.com


Strum





**SECUNDA
MARINE SERVICES
LIMITED**



March 14, 2006

Mr. Roger Wells
Regional Planning Office
Halifax Regional Municipality
2nd Floor, Halifax Ferry Terminal
George Street
Halifax, Nova Scotia B3J 3A5

Dear Mr. Wells:

RE: Wright's Cove

I write on behalf of the Secunda Marine Group of Companies, which owns and operates vessels throughout the world from our home base of Dartmouth, Nova Scotia. Our corporate group is owned, managed and has its headquarters in the Halifax Regional Municipality ("HRM"); and, as such, we would like to outline our hopes, aspirations and vision for the working port of Halifax and provide you with some observations concerning a recent consultation process, which has been undertaken by Cantwell and Company concerning the future uses of lands and waters situated at Wright's Cove in Halifax Harbour. Our group owns land and operates a dock facility at Wright's Cove. We are therefore very interested in the results of this study and although we have not received a copy of the final written report we have reviewed a presentation given to the community and would like to provide our comments on some of the key items contained in this presentation.

In this submission, we would like to present our general views as a Nova Scotian company based in Halifax Harbour on the future of Halifax Harbour, as well as specific comments related to the Cantwell Study. I attach, as Appendix I, a map of Wright's Cove that depicts the lands used for the Secunda operations at Wright's Cove.

Halifax Harbour

It cannot be disputed that the continued use of Halifax Harbour as a working port is fundamental to the future of HRM, the Province and our nation. Secunda has been in operation for over 20 years; and, we have observed, over this period, the encroachment upon the working harbour by other forms of development and activities. We do not oppose or criticize alternate or multiple uses of lands situated on the harbour, but it is equally important to ensure that the harbour front is preserved for marine and vessel operations. As a homegrown entity, if we are squeezed from the waterfront, we will have nowhere to



One Canal Street, Dartmouth, NS, Canada B2Y 2W1

Tel: 902•465•3400 Fax: 902•463•7678

www.secunda.com





go – this is our home; and, as such, we have no alternative but to continue operating here in Halifax.

Dartmouth Cove

We have two facilities on the Dartmouth waterfront – one situated at the Dartmouth Cove and the second, already mentioned, at Wright's Cove. At Dartmouth Cove, we renovated a derelict warehouse building into our head office, constructed a new and modern warehouse, made landscaping improvements, put up proper fencing and gates, and believe that we conduct a professional operation from this location. The land and water lots that we own are zoned Marine Industrial; and, as such, we are free to conduct our marine and business activities; however, we have noticed a gradual but persistent encroachment upon the land surrounding our facility for purposes other than Marine Industrial. The most recent proposed development involves the commercial and residential development of the former Dartmouth Marine Slips location. We view this as a positive development but are concerned that eventually the working port which is the life-blood of our company and the economic engine for HRM could be irreparably harmed due to the limited space that will be available for marine industrial operations on the harbour. We in Halifax must be vigilant that the working harbour is not overwhelmed by the interests of new entrants to the waterfront (that have chosen to move into a marine industrial zone) to the detriment of marine and industrial interests that have been long-term residents on the waterfront.

We would urge HRM to be conscious of the fact that continued marine operations on Halifax Harbour are critical to the future of the harbour and to companies such as Secunda. We are a longstanding corporate resident of the city that contributes to the economic wellbeing of not only HRM, but the rest of the Province and Atlantic Canada. We operate a fleet of 14 vessels and employ hundreds of people in high paying jobs so we believe that it is important that we continue to have a home and be welcome to conduct our marine business from our operation bases on Halifax Harbour. We hope you will agree.

Wright's Cove

We have been operating from Wright's Cove for almost 10 years. At the time we purchased this property, the land and all surrounding lands were zoned Marine Industrial. It was on this basis that we purchased the land, and we have been engaged in marine industrial activities from these facilities since we purchased them. It is critical that all lands forming part of the facilities from which we operate together with the surrounding area continue to be zoned as Marine Industrial so that we can maintain our operations situated there. Prior to our acquisition of these lands and facilities, marine industrial operations were conducted from this location by Ultramar and their predecessor companies. It is our understanding that under the present Municipal Plan, the Navy Island lands, and Secunda's lands at Wright's Cove are designated "Harbour-Oriented Industrial"



and zoned I-3, which protects harbour frontages for marine industrial uses. We are also of the understanding that in 2001, after Secunda purchased its lands and commenced operations at Wright's Cove, certain residential premises situated on Green Bank Court and Cove Lane, which had previously been zoned marine industrial, were granted a Holding Zone status by Council but that this holding status was only granted to residences that existed at the time, but would not permit for further expansion of residential development in the area. At present, the Generalized Future Land Use Map, which forms part of the existing Municipal Plan, designates the residential premises situated on Cove Lane and Green Bank Court as Harbour-Oriented Industrial, while the Zoning Map stipulates that specified properties are granted Holding Zone status.

The consultants, Cantwell & Company, suggest that there is expansion potential for bulk commodities and that it would be prudent to protect future capacity for other marine uses in Wright's Cove. We would urge HRM to adopt this position, namely that future capacity and future marine activities be protected at Wrights Cove and that future port development not be limited by excluding marine activities in this area of the port.

Under the heading of 'Workshop Results – Marine', the consultants refer to three key areas of marine industrial activities, namely: 1.) the National Gypsum Facility; 2.) the basin side of Navy Island; and, 3.) the area between National Gypsum and BIO. However they fail to allude to the fact that Secunda has an operation situated at Wright's Cove, which had previously been operated by Ultramar and which has an established causeway and dock in place and is ideal for further expansion or development.

Under the heading of 'Study Conclusion' we agree with the consultants that Wright's Cove is important for the marine industry. We do not necessarily agree, however, that only a portion of Wright's Cove is suitable for marine activity. This is a somewhat vague statement that needs to be elaborated upon in explicit detail with a clear explanation as to what portions of Wright's Cove, in the opinion of the consultant are suitable and what portions of Wright's Cove are not suitable for Marine Industrial activity. We are also concerned with the statement that some restrictions should be placed on new Marine Industrial activity. We are greatly concerned with the fact that areas like Wright's Cove, which at present are and historically have been zoned for Marine Industrial, could be squeezed out of the working harbour.

Certain aspects of the Proposed Concept for Wright's Cove contained in the consultant's power-point presentation raise questions and concerns for us and should be considered very carefully before any zoning or land use changes are considered let alone adopted. The following comments to the bullet propositions contained in the presentation are outlined below:



1. **Protect deepwater Marine Industrial. Expand Bulk Shipping** – This seems to imply that shipping and marine activity will be limited solely to the deepwater areas on the outer side of Navy Island. The conceptual drawings seem to support this. This would not be acceptable to Secunda, given that we hold lands on the inner cove, which are connected by way of causeway and dock to the outer waters. As such, marine industrial activity should be permissible on our land located in the inner cove, along the causeway and at the dock in the outer reaches of the cove. This is what the historical practice has been, and this is the practice that should continue. There should be no zoning changes that restrict use of the lands in the inner cove connected and necessary for ongoing operations in the outer cove. All of the present lands zoned as marine industrial should continue to have this zoning;
2. **New Road & Rail Extension Into National Gypsum Lands** – We will need the full details but on principle subject to seeing the plan this appears acceptable.
3. **Inner Cove for Clean Business, Residential (with Restrictions) and Recreation.**
- At present, these lands in the inner cove are zoned marine industrial, and this is where Secunda owns lands, so we would want these lands to continue to be zoned for marine industrial and that our activities not be restricted under any new proposed concept;
4. **Restrict Residential Near Gypsum Facility Only** -- there should be no residential expansion in the Wright's Cove and the existing Holding Zone should be maintained with respect to existing residential properties. It does not make sense to further encroach on the working port and have a mixture of residential and industrial activities side by side. This will simply cause unneeded conflict in the future between parties with drastically different expectations for land and water uses;
5. **Loop Road, Divided Median on Windmill Road** - We will need the full details before we can comment but there will have to be easy and clear access to our property by way of Windmill Road, both from a northerly and southerly direction before we could support any changes to Windmill Road.
6. **Open Space Protection and Regional Trails** – No text is provided to elaborate on what would be entailed in the concept to have open space protection and regional trails at Wright's Cove; however, from the drawing, which has been provided as part of the proposed concept, it would appear that the lands owned by Secunda and the causeway to which we have rights and provides us access to our dock at Wright's Cove would be reserved as "open space". The map is colored in green, which would suggest that the zoning, which presently is marine industrial, would somehow be changed. We would strenuously oppose any kind of change of zoning



with respect to the Secunda lands and access roads to the causeway and dock. As indicated previously, these lands have been used for marine and industrial purposes for over 50 years, and we object to any change in zoning or land use with respect to these lands. These are valuable lands, which have historically been part of the working Port of Halifax; and, we would urge caution with respect to any proposed change to the usage and zoning of these lands. It is imperative that the port's future not be foreclosed to prevent future development that will maintain and enhance the viability of our port. The map also infers that Navy Island and the other island situated in the outer cove should be classified as open space. If this designation were to mean that these islands could not form part of a future port development, we would oppose such a limitation. We would urge HRM not to unduly restrict future development. These landmasses could be incorporated into future developments, and this possibility should not be foreclosed at this juncture. Any such future development would have to meet with various governmental and regulatory approvals, so it would have to be done in an acceptable fashion with appropriate public input and consultation.

In conclusion, as a Nova Scotian company based on the Halifax waterfront, we would urge HRM not to make a precipitous move and restrict or limit the use of harbour-front lands and waters in such a way as to eliminate marine industrial activities on this great harbour, especially in circumstances where land and water areas have been used for decades in the Marine Industrial Sector.

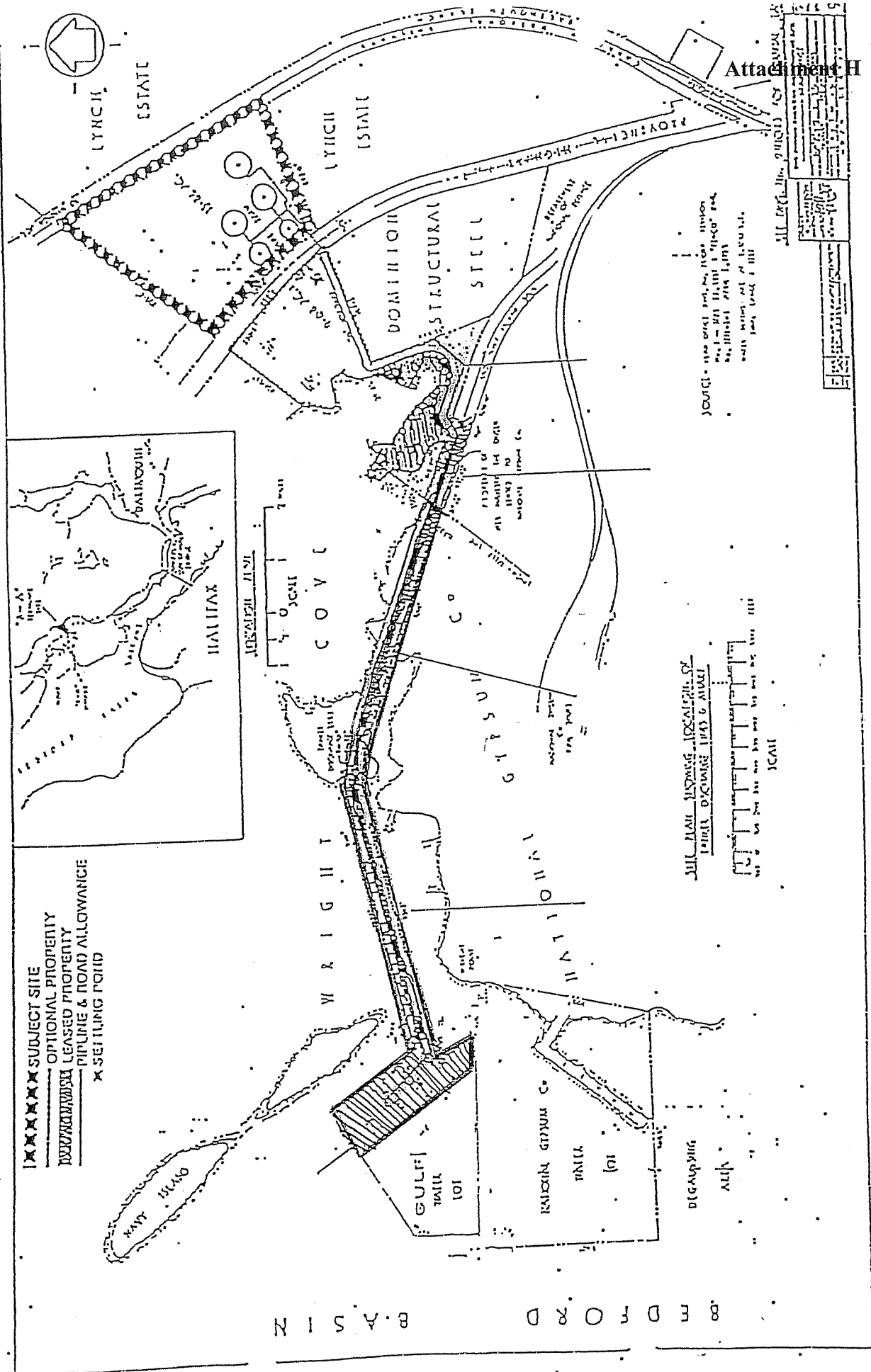
Yours very truly,

Donald A. MacLeod

DAM/sg

Wells ltr 14Mar06

APPENDIX I



Wright Cove Holding Limited
Parcels A, B, C

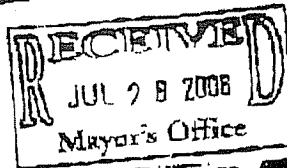
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DIRECTOR PD
 HRM MAYOR'S OFFICE

Attachment #1
 PAGE 08

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18630



Economic Development
 Office of the Minister

Maritime Centre, 14th Floor South, 1505 Barrington Street, PO Box 2311, Halifax, Nova Scotia, Canada B3J 2C8
 Telephone 902-424-5790 Fax 902-424-0518 • www.gov.ns.ca/econ/

xc - Dan
 - Jen
 - Paul D

July 18, 2006

Mayor Peter J. Kelly
 Halifax Regional Municipality
 P.O. Box 1749
 Halifax, Nova Scotia
 B3J 3A5

Dear Mayor Kelly:

RE: Wright's Cove Land Use

It has been brought to my attention that the Halifax Regional Municipality (HRM) is reviewing land use in Wright's Cove. The lands surrounding Wright's Cove are currently zoned for marine industrial use. Ensuring the availability of industrial land is an economic development matter in which the Province of Nova Scotia has an interest. While we do not have specific plans for Wright's Cove, we would be concerned about any possible re-zoning.

The province, through the Office of Economic Development and the Waterfront Development Corporation Limited, worked closely with HRM to develop the Halifax Harbour Plan. That plan makes clear recommendations for maintaining a working harbour and we want to ensure that future developments are consistent with those recommendations. Those recommendations include:

- Reserve new and redeveloped sites for marine industrial/marine commercial uses
- Address potential impacts on adjacent uses
- Discourage residential development near marine industrial sites

08/03/06 THU 11:57 FAX 94904346

08/02/06 WED 08:19 FAX 9024904406

08/01/2006 11:05 9024906247

07/31/2006 14:09 902-4904812

PLANNING SERVICES

HRM PLANNING SERVICES

DIRECTOR PD
HRM MAYOR'S OFFICE

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PAGE 09

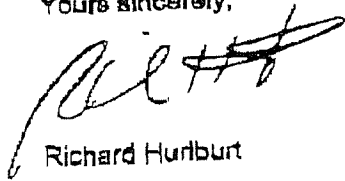
Attachment H

Mayor Peter J. Kelly

Page 2

I appreciate that HRM strives to balance competing objectives in land use planning. In doing so, I ask that you give the need for industrial lands serious consideration. It would not be beneficial to the municipality or the province to have future economic development potential sacrificed to satisfy current pressures.

Yours sincerely,



Richard Hurlburt

cc Honorable Jamie Muir,
Minister, Service Nova Scotia and Municipal Relations

Eric Thomson,
Chairman, Waterfront Development Corp. Ltd.

**G.Sander
V.P. BATH**

Fax: (902) 469-3874

Date: August 25, 2006

**To: J. MacPherson, Planner, Planning and Development
Services**

Fax #: 490-4346

Total Pages: 2 including cover

Subject/Comment

Please find attached the comments of the BATH TRAILS GROUP on the Sheppard's Island Waterfront Development Proposal

Attachment H

August 24 , 2006

Comments on Sheppard's Island Waterfront Development Proposal

▪ First off- why is there a development proposal such as this for re-zoning in the first place? Doesn't HRM have some pre-planning done, or is it only reactive? Is it too late to call this to a halt so HRM staff can provide design criteria & guidelines upfront to commercial interests – such as insist upon a certain width of coastal trail corridor around the perimeter, built and landscaped to a certain Standard, incorporate modern environmental sustainability and even environmental enhancement features: such as: green(vegetation) rooftops, solar/hydrothermal energy sources, low viewplane obstruction next to the waterfront, tsunamiwave protection, ease of public access etc and only then call for competing proposals and select the best one with the best chance of being built as planned.

▪ Secondly, the set of drawings sent are very conceptual and don't come with a track record of success by this particular builder for projects of similar scale & type. What we have here is the potential for one particular commercial entity to make a pile of money, with no commitments in place, off what is basically a public resource (the waterfront). Possibly, the potential tax revenues from potential condos and hotels blind councillors and/ or city staff or making them feel pressured to rush to decision-making, but we hope not!

The above two comments relate not only to this proposal, but also to the Francis Fares proposal for drastic change to the downtown Dartmouth waterfront in Dartmouth Cove, possibly to the waterfront at Bedford Basin West, and to other major projects currently underway, for example across the harbour on the slopes of Bedford Basin, in Burnside Park, and at Dartmouth Crossing (which last example likely would have been delayed & altered but much-improved if had it been subjected to the normal environmental and full public review process. Major environmental problems appear to be occurring regularly there.)

Specifics:

- Is this builder known for experience with projects of this magnitude? What proof of capability; what insurance against failure or partial completion? **Boardwalk & landscape portions maybe major selling points at the front end but forgotten items at the back end of the project.**
- The “public boardwalk”, as proposed, appears to serve mostly private owners and be near a private pool. To get trails group support, it needs to truly serve the general public. As designed, access & enjoyment does not appear to be encouraged for general users. What materials? Who maintains? What timeframe for completion? How much infilling of the public harbour will be required and should it be allowed? -we don't think so. **The NATURAL COASTLINE should be preserved wherever possible.**
- What do the immediate neighbours think? Will there be ease of link up of “public” walkway to DYC and Shannon/Wallace area? Or not? What could those issues be and might they be addressed now before allowing this or a similar development to proceed?
- There is too high a profile for these buildings at the waterfront. **HRM should have a policy of allowing no higher than 2 normal stories, including roofs, and requiring a setback from the waterfront of ~1/2km for every additional story.**



Halifax Quarry: 1707 #2 Highway
Attachment H
P.O. Box 57
Millford Station, Nova Scotia
B0N 1Y0
902 758-3955 Fax
902 758-3256 or
902 883-2224

22 September 2006

Mayor Peter Kelly
P. O. Box 1749
Halifax Regional Municipality
Nova Scotia
B3J3A5

A handwritten signature in dark ink, appearing to read "Roger Melh".

Sent Via Facsimile

Dear Mr. Kelly:

This letter is a follow-up to our discussion several weeks ago. I met with Tareq Saleh and Ahmad Ourfali. We reviewed their plans and toured the mine. Mr. Ourfali took samples of the material we have on site. However it turns out that his biggest need is to partner with a company that can mine and transport the raw material from his deposit in the Musquodoboit Valley to a manufacturing plant in Burnside. Being in the mining community I was able to connect them with Shaw Resources which may be a more appropriate partner. I told Tareq Saleh that if for some reason Shaw Resources was not a good fit then there are other organizations in the mining community that I could introduce them to. They appeared pleased with this arrangement.

I would like to go on record with our concerns with respect to the zoning of the Wright's Cove area. As you are probably aware National Gypsum has been shipping rock from Wrights Cove since 1954. At the time we built the facility this was an isolated area of the city. There were cottages located on the adjacent properties but otherwise there was very little development in the area.

This has changed radically with the development of Burnside Park. We do not see this as a negative development. Growth and development benefits us all. However I believe there is some discussion about allowing residential development in the Wrights Cove area. This concerns us. Our fundamental activities (rail movements, dozer operations, ship loading at all hours) are in conflict with the required conditions for residential areas. It appears to me that zoning is an area of absolutes; that is it doesn't matter how long you have been in the area once the zoning changes all parties have to meet the zone requirements.

We have worked closely with the 12 or so residents that are located next to our operation. They are a zoning anomaly but most have been there as long as we have and so we feel we must work with them to meet their requirements as best we can.

Our rock stockpiling and shipping operation is vital to the fiscal good health of our company. Our location supplies raw material to a large portion of our manufacturing facilities. We need to be able to operate twenty-four hours a day seven days a week to meet our shipping requirements. My concern is that by allowing residential development in the area, at some point in time, the residential environment standard will be applied and we will have to constrain our activities because of these restrictions. The consequences of that would be a direct hit to our company's profitability.

As stated above we are not opposed to growth. However our activities are busy, noisy and dusty and we need buffer zones between us and commercial and residential areas. We are not apposed to residential development. We are apposed to any zoning change that will restrict our activities and increase the cost of our operation.

From what my involvement has been with your planning people I think they have done an excellent job gathering input and getting everybody involved. The purpose of this letter is to go on record as HRM finalizes and moves the plan forward. In principle we are apposed to introducing residential zoning in the Wrights Cove area. Please let me know if you have any comments or questions.

Yours truly,



Pat Mills
Plant Manager

cc. Roger Wells, HRM Regional Planning

PM/pm



Paul Morgan
Senior Planner, Regional Planning Community Development
Halifax Ferry Terminal, 2nd Floor
5077 George Street
Halifax, Nova Scotia

January 19, 2007

Re: Submission on application for development agreement to permit residential condominiums in Wright's Cove.

Dear Paul Morgan:

The Greater Halifax Partnership is concerned that residential encroachment in the Wright's Cove Area will limit opportunities for marine related industry growth in HRM. In our view, proposed design restrictions for residences will not alter the basic incompatibility of residential and industrial activity when they develop in adjacent areas. It seems probable that this development will effectively limit future industrial uses in nearby areas.

More broadly, business in HRM is concerned that our working harbour, its industry and its workers are under relentless pressure. This pressure could seriously limit the future growth potential of this region and put at risk targets for growth outlined in the Regional Plan and HRM's Economic Strategy. The Partnership urges HRM to consider the long term effects on our regional economy of the zoning change proposed for Wrights Cove.

Since the mid-1700s Halifax Harbour has been the single most important economic driver in Nova Scotia. Halifax Harbour is eastern Canada's most important international gateway, the hub of defence related activity, and the base for most of Canada's ocean related research, while continuing to be at the centre of significant commercial and industrial activity in the Halifax Regional Municipality. Many business activities are harbour facing, and many more are harbour dependant, requiring water access as part of their business model. Together, all of these entities account for 20% to 30% of all economic activity in HRM, generating millions of dollars in tax revenue for our community.

Unfortunately, even the second largest ice-free harbour in the world does not have unlimited surrounding lands. Recently harbour lands have become a much-desired

location for recreation and residential activity and conflicts over land use have begun to mount. Years ago when workers walked across the street to their jobs at a shipyard or a forge, they understood first hand the ties between the harbour and the economic success of our community. As water facing residential properties transitioned and as residential infill occurred, homeowner priorities changed. However the harbour, and businesses tied to it, continue to be a big part of our region's present and future growth.

As the main advocate for business retention, expansion and attraction in HRM, the Greater Halifax Partnership is concerned that pressure on our working harbour from residential use could limit industrial and commercial development in HRM. Once land is effectively removed from industrial use through zoning change or proximity of residential development, that economic potential is lost forever. The regional plan shares this concern.

“Once land is dedicated to a particular use it is very difficult to change. Some form of land banking or zoning and land use policy taking a strategic and longer-term perspective would avoid loss of potential economic value.”¹

A background report prepared for the Regional Planning predicts what happens in the absence of long-term thinking. “If it were left to the market to decide the highest and best use, land could go to residential use for no other reason than the absence of specific industrial demand at the time the land becomes available.”²

The Regional Plan offers guidelines to avoid permanent loss of industrial land.

- “Reserve sufficient harbour frontage and harbour front lands for marine dependent industrial/commercial development”
- “Discourage new residential development from locating in areas that abut sites designated for intensive marine industrial/marine commercial uses.”³

The Regional Plan expresses concerns that marine industrial lands are under threat. Indeed, maps produced as part of the regional planning process show that land reserved for marine uses actually declined between the next to final and final versions of the Regional Plan.

During consultations around this Plan, significant concerns were expressed by many businesses about the scale and scope of current land use conflicts. In addition, the Greater Halifax Partnership has interviewed over 1200 businesses in HRM over the past two years, and many marine related businesses are feeling pressured by growing restrictions and persistent complaints. Some businesses have suggested their scope of operations and potential to land major contracts has suffered. Some HRM businesses are considering moving from the region to areas with a more favorable business climate. Unfortunately, these kinds of decisions, like land use decisions, tend to be irreversible.

¹ HRM Regional Plan Page 84

² Economic Potential of HRM and Halifax Harbour, page 66

³ HRM Regional Plan, Page 85

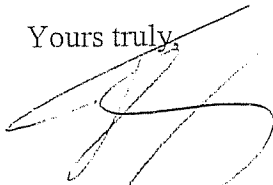
Many of HRM's land use conflicts have resulted from the kind of incremental change proposed at Wrights Cove. All the evidence combined with a growing string of complaints, suggest that the chances of residential and industrial developments living side by side in harmony are slim. The plain fact is, that new residential development adjacent to industrial lands effectively limits the future potential of marine industry.

The economic plan for Halifax expresses similar concerns. This strategy, unanimously approved by council, suggests that HRM should "protect strategic industrial locations from near-term development pressures. Ensure that sufficient harbour frontage and harbour-front lands are reserved for existing and potential future marine industrial and marine commercial uses."⁴

Most communities with working harbours have done what our Regional Plan and Economic Strategy propose...that is, protect marine industrial land for its long-term use potential. The Partnership urges HRM to follow the good advice of these newly minted Plans and the good example of progressive communities that protect their working harbours.

We would ask HRM to support the industries and workers of our working harbour and preserve and protect its long term potential, by not approving the development agreement for residential use in Wright's Cove.

Yours truly,



Fred Morley
Senior Vice President and Chief Economist

⁴ Strategies for Success: Halifax Regional Municipality's Economic Development Strategy 2005-2-10,
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