



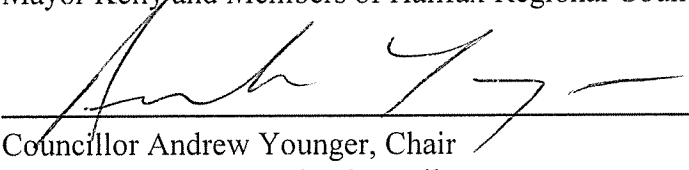
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Item No. 11.2.1

Halifax Regional Council  
April 7, 2009

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
Councillor Andrew Younger, Chair  
Harbour East Community Council

**DATE:** April 3, 2009

**SUBJECT:** Case 01224: Amendments to Eastern Passage / Cow Bay Municipal  
Planning Strategy and Land Use By-Law, Eastern Passage

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**ORIGIN**

Meeting of Harbour East Community Council held on April 2, 2009.

**RECOMMENDATION**

Harbour East Community Council recommends that Regional Council:

1. Give first reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) as shown in Attachments A and B of the staff report dated March 12, 2009 and schedule a public hearing;
2. Approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law as shown in Attachments A and B of the staff report dated March 12, 2009.

**DISCUSSION**

Harbour East Community Council considered this matter at their April 2, 2009 meeting and approved the recommendation found above.

**BUDGET IMPLICATIONS**

See attached staff report dated March 12, 2009.

**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**

See attached staff report dated March 12, 2009.

**ATTACHMENTS**

1. Staff report dated March 12, 2009.

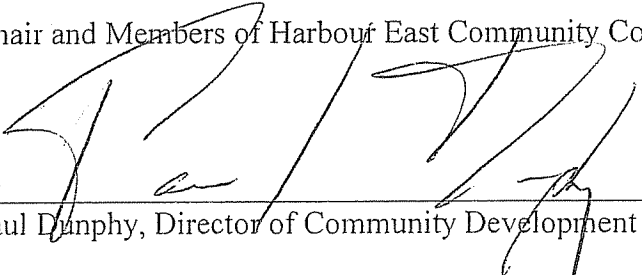
<p>Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report Prepared by: Chris Newson, Legislative Assistant</p>
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PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
April 2, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY:   
Paul Dunphy, Director of Community Development

DATE: March 12, 2009

SUBJECT: **Case 01224: Amendments to Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law, Eastern Passage**

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### ORIGIN

Application by Halifax Water to amend the Eastern Passage/Cow Bay Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow for the planned expansion of the Eastern Passage Wastewater Treatment Plant on lands in Eastern Passage.

### RECOMMENDATION

It is recommended that Harbour East Community Council recommend that Regional Council:

1. Give first reading to the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law as shown in Attachments A and B, and schedule a Public Hearing; and
2. Approve the proposed amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law as shown in Attachments A and B.

## **BACKGROUND**

Halifax Water (HW) has begun the process of expanding the Eastern Passage Wastewater Treatment Plant in Eastern Passage on lands recently acquired from Department of National Defense (DND) (Map 1). The lands do not permit any uses other than continuation of DND military and support activities at CFB Shearwater. This application is to ensure appropriate land use designation and zoning is in place in advance of beginning the treatment plant expansion.

### **Proposal**

Halifax Water is commencing Phase 1 of an expansion to the existing treatment facility at Eastern Passage that will locate two secondary clarifiers on the former DND lands. The purpose of the expansion is only to provide sewer capacity to those lands already within the Urban Service Area.

Halifax Water is requesting amendments to the Eastern Passage/ Cow Bay (EP/ CB) MPS and Land Use By-law (LUB) to redesignate the lands from Plan Amendment (PA) to Industrial (I) on the GFLUM and rezone from DND (D-1) Zone to Mixed Use (C-5) Zone on the zoning map.

### **Location, Designation and Zoning**

- The lands are former DND lands in northern Eastern Passage, identified as PID 41269952, also known as Albacore Place, Shearwater, now owned by HW.
- The designation on the lands is "Plan Amendment" (PA) (Map 1).
- The implementing zone is DND (D-1) that permits only DND uses and activities (Map 2).

### **Existing Policy**

The PA designation covers extensive land holdings and developments within the EP/CB plan area which are controlled by DND, whose actions are beyond municipal jurisdiction. The designation provides for future planning and regulation in the event that these lands become available to development interests as per Policy IM-4 (Attachment C).

The proposed Industrial designation reflects locations of existing heavy and service industry in northern Eastern Passage, and is intended to provide for their expansion and for the development of complementary industrial and commercial operations without intrusion into existing residential areas.

### **Servicing Capacity**

A report to Regional Council, July 6, 2004, identified capacity constraints of the existing EPWTP and the need to expand and upgrade the plant to accommodate continued growth within the existing serviced boundary for Eastern Passage and Cole Harbour. The report showed 2 years worth of development that could be accommodated by the existing plant. The preliminary design phase of the project revealed that more land was needed to accommodate the planned expansion. On February 26, 2008, Regional Council approved the purchase of the necessary lands from DND.

The proposed plant expansion is consistent with the intent of the Regional Municipal Planning Strategy to address capacity deficiencies of wastewater treatment systems within HRM's Urban

Service Area. The proposed expansion will enable sufficient municipal services to existing communities and to provide for future development that could be accommodated within the existing Urban Service Area.

### **DISCUSSION**

Staff have reviewed the application relative to all applicable policies of the Eastern Passage/ Cow Bay MPS (Attachment C) and determined that it is consistent with the intent of the planning strategy. The following issues have been identified for more detailed discussion.

#### **Requested Designation / Zoning**

The application of the Industrial designation makes the subject lands consistent with the land use designation applied to the surrounding area. Further, the rezoning of the lands to C-5 (Mixed-Use) Zone is also consistent with the zoning currently applied to the surrounding area.

Under the C-5 zone various commercial, industrial, residential and community uses are permitted. The treatment facility expansion is permitted under community uses which must comply with the provisions of P-2 (Community Facility) Zone for minimum lot area, minimum frontage, front and rear yard setbacks and lot coverage. Staff are of the opinion that all provisions of the P-2 zone can be met.

#### **Compatibility**

The subject property abuts the existing Eastern Passage Wastewater Treatment Facility. The proposed use is an expansion of the facility and will be physically connected to the existing plant and can be said to be compatible. The proposed development is compatible to surrounding land uses in terms of height, bulk and use. No additional traffic will be generated as no additional staff is required. There is no open storage proposed on the site and no additional signage has been identified.

#### **Public Information Meeting**

A Public Information Meeting (PIM) was held on February 9, 2009, (Attachment E) in connection with the proposed amendments. Comments from the public focused on the proposed expansion's ability to solve overflow issues (plant is out of NSE compliance), impact of the plant on Eastern Passage, and proposed changes to area of the Urban Service Area.

Should Council decide to schedule a public hearing, property owners within the notification area included on Map 2 and persons that signed the sign-in sheet at the PIM will be notified.

#### **Conclusion**

It is the opinion of staff that the requested designation from PA to I is in conformity with the intent of the MPS and the rezoning from D-1 to C-5 allowing does not cause any conflict with adjacent or surrounding uses.

### BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

### FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

### ALTERNATIVES

1. Council may choose to approve the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law as outlined in this report. This is the recommended course of action.
2. Council may choose not to approve the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-law as outlined in this report. This is not recommended for the reasons stated in this report.

### ATTACHMENTS

Map 1 GFLUM

Map 2 Zoning and Notification

Attachment A Amendment to the Municipal Planning Strategy for Eastern Passage/Cow Bay

Attachment B Amendment to the Land Use By-law for Eastern Passage/Cow Bay

Attachment C Relevant Excerpts from the Eastern Passage/Cow Bay Municipal Planning Strategy

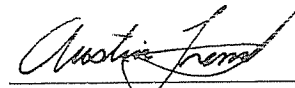
Attachment D Relevant Zoning Provisions from the Eastern Passage/Cow Bay Land Use By-law

Attachment E Minutes of Public Information Meeting, February 9, 2009

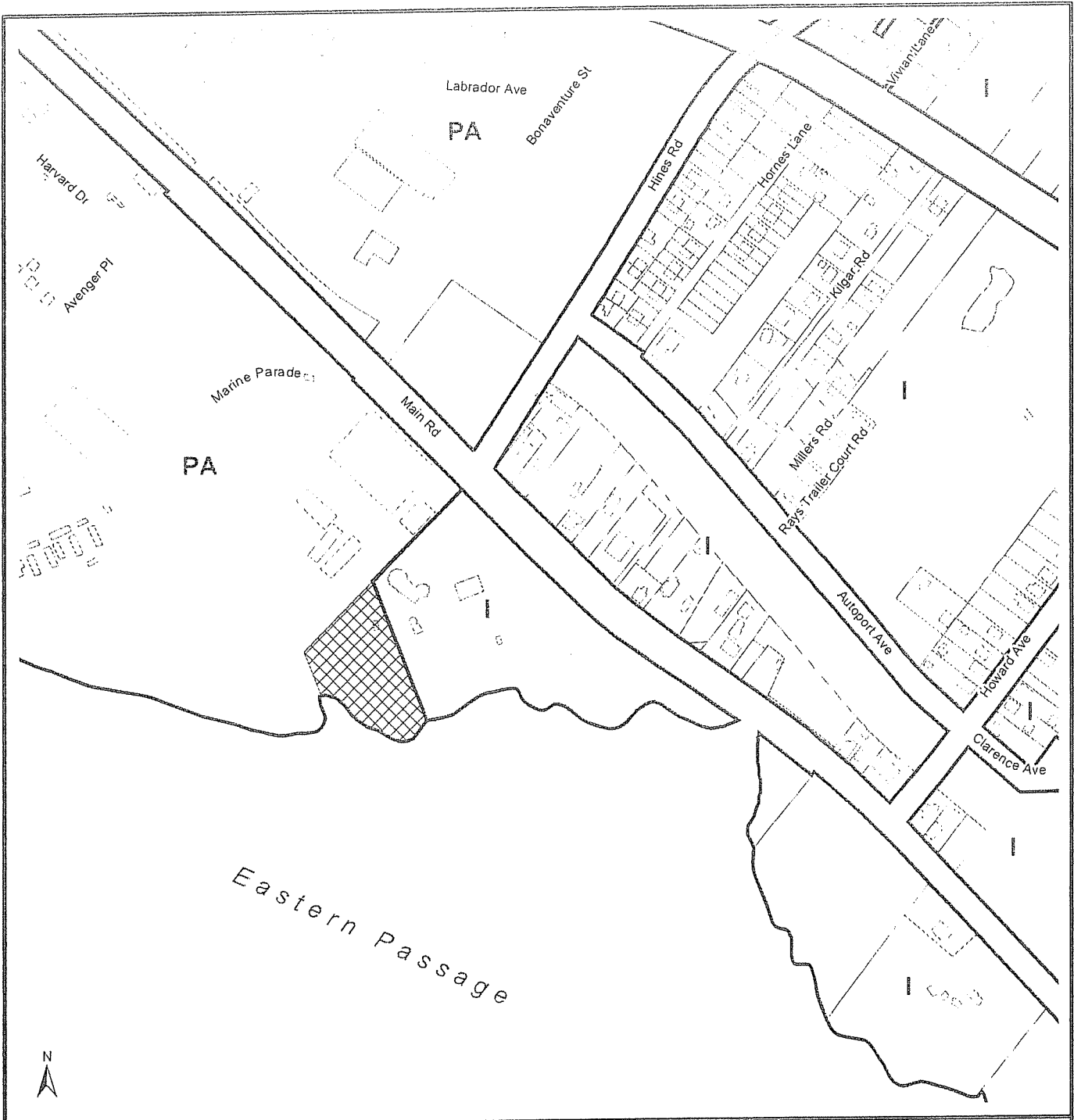
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Darrell Joudrey, Planner 490-4181

Report Approved by:




Austin French, Manager, Planning Services, 490-6717



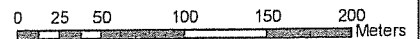
**Map 1 - Generalized Future Land Use**



 Subject Property

**Designation**

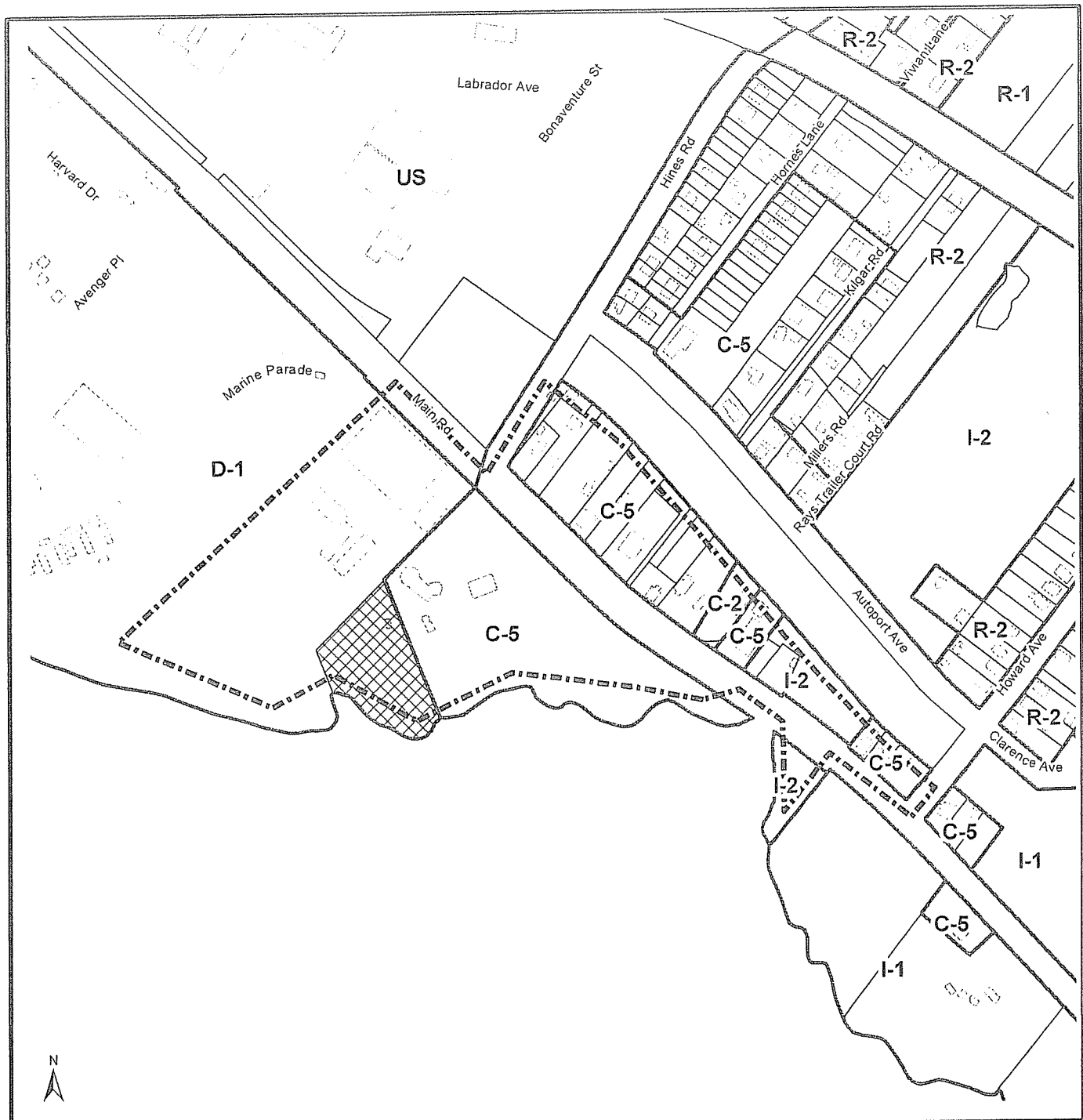
PA Plan Amendment  
I Industrial




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Eastern Passage/ Cow Bay Plan Area


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

Eastern Passage/ Cow Bay  
Plan Area



**Map 2 - Location and Zoning**

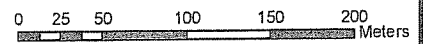
 Subject Property

 Area of Notification

Eastern Passage/ Cow Bay  
Plan Area

**Zoning**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- C-2 General Business
- C-5 Mixed Use
- I-1 Light Industrial
- I-2 General Industrial
- D-1 DND
- US Urban Settlement



This map is an unofficial reproduction of a portion of the Zoning Map for the Eastern Passage/ Cow Bay Plan Area

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



Attachment A

**Amendment to the Municipal Planning Strategy for Eastern Passage/Cow Bay**

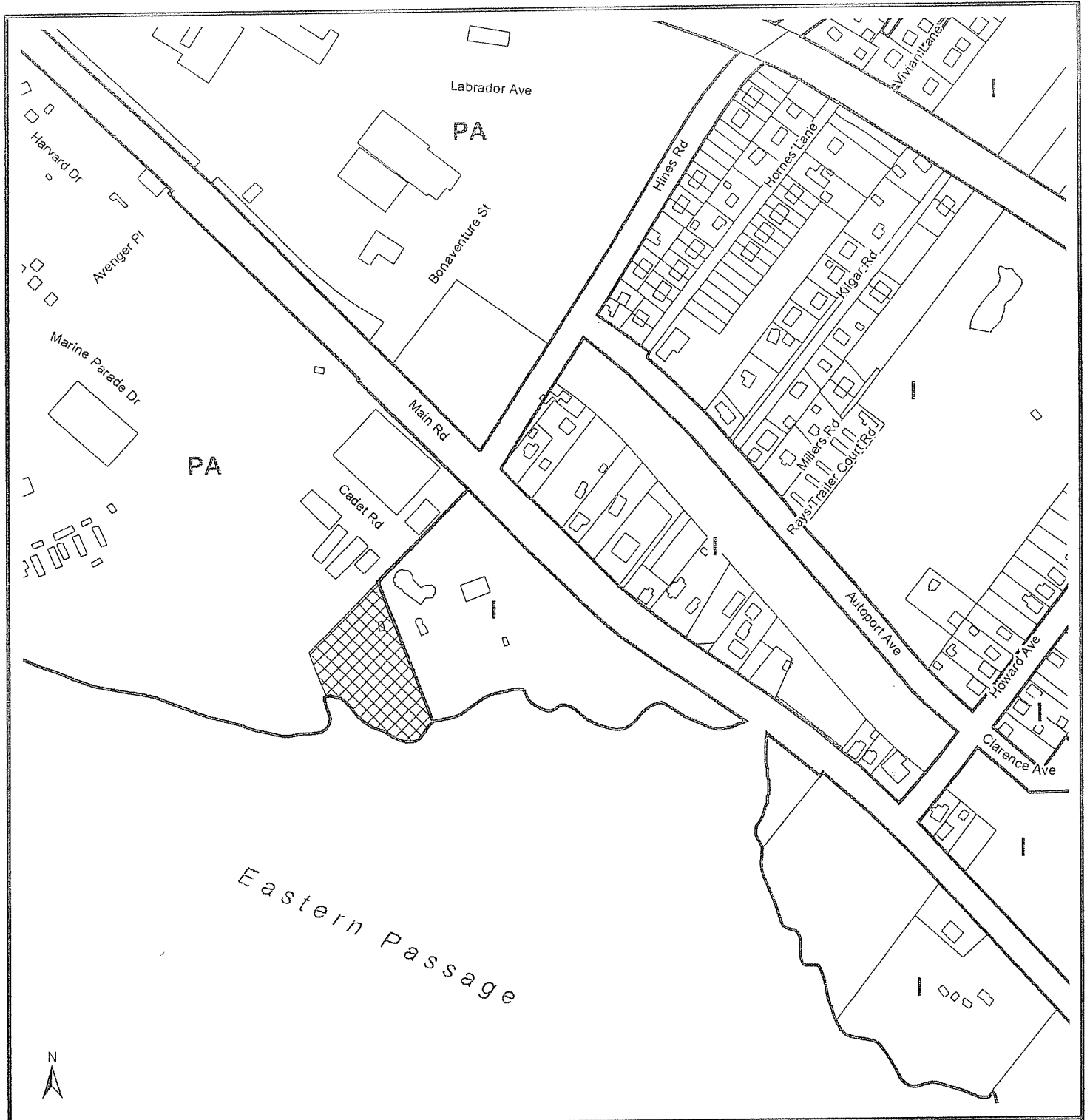
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Eastern Passage/Cow Bay Municipal Planning Strategy, is further amended as follows:

1. The Generalized Future Land Use Map for Eastern Passage/Cow Bay Municipal Planning Strategy shall be amended as shown in the attached Schedule "A"

I HEREBY CERTIFY that the amendment to the Generalized Future Land Use Map for Eastern Passage/ Cow Bay as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_ day of \_\_\_\_\_, 2009

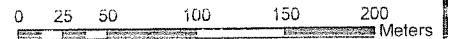
\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk



**Schedule A - Amendment to the Eastern Passage/Cow Bay  
Municipal Planning Strategy**

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

 Area to be Redesignated from PA (Plan Amendment) to I (Industrial) Designation



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Eastern Passage/ Cow Bay Plan Area

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

Eastern Passage/ Cow Bay  
Plan Area

**Attachment B**

**Amendment to the Land Use By-law for Eastern Passage/Cow Bay**

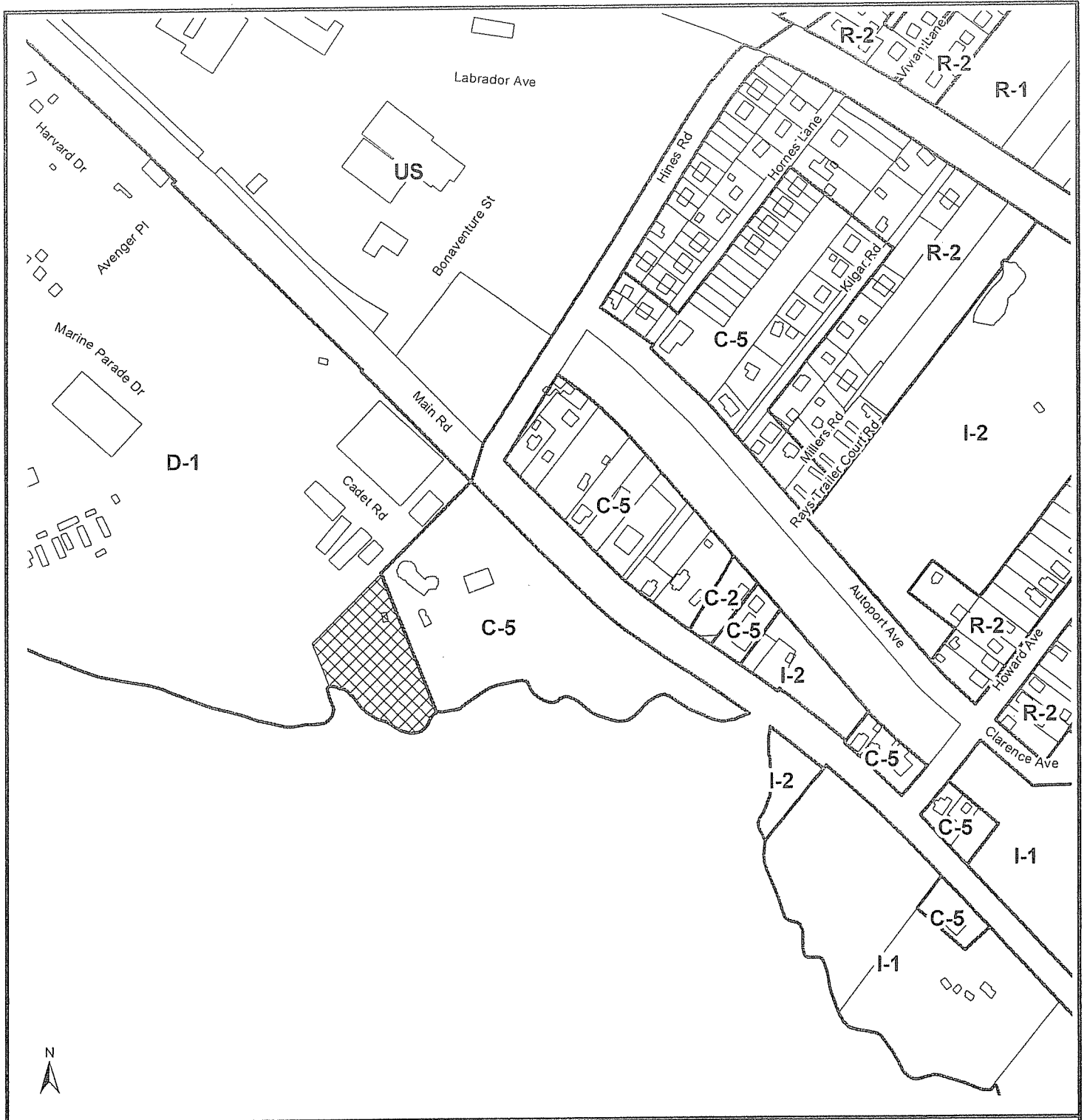
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Eastern Passage/ Cow Bay Land Use By-law, is further amended as follows:

1. The Zoning Map for Eastern Passage/Cow Bay Land Use By-law shall be amended as shown in the attached Schedule "B"

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


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009

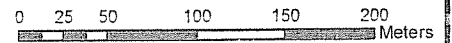
\_\_\_\_\_  
Julia Horncastle  
Acting Municipal Clerk



**Schedule B - Amendment to the Eastern Passage/Cow Bay Land Use By-Law**



 Area to be Rezoned from D-1 (DND) to C-5 (Mixed Use) Zone



This map is an unofficial reproduction of a portion of the Zoning Map for the Eastern Passage/ Cow Bay Plan Area

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

Eastern Passage/ Cow Bay Plan Area

### Attachment C

Relevant Excerpts from the Eastern Passage\Cow Bay Municipal Planning Strategy

#### PLAN AMENDMENT DESIGNATION (page 104)

Given the considerable investment of the Federal Government in Canadian Forces Base Shearwater and supporting facilities at Hartlen Point, it is unlikely that these properties will be declared surplus to the requirements of the Department of National Defense in the near future. However, federal holdings within the Plan Area have become available in the past and it is reasonable to provide for such an occurrence. With a combined acreage of over two thousand acres, these lands have defined the boundaries of Eastern Passage throughout its development, and future alterations in their use could significantly affect the Plan Area.

- PA-1 It shall be the intention of Council to establish the Plan Amendment Designation on lands of the Department of National Defense, as shown on Map 1 - Generalized Future Land Use. In the event that lands within this Designation should be released from federal jurisdiction to provincial jurisdiction, Council shall request that the Province respect the concerns of the Municipality and the residents of the Plan Area and support an amendment of this planning strategy to establish policy related to the future use of the lands in question. Furthermore, in the event that these lands should be released to persons accountable to the policies and regulations of the Municipality, it shall be the intention of Council to immediately pursue an amendment of this planning strategy. In any such amendment, public consultation shall be undertaken as a priority of Council.
- PA-2 Within the Plan Amendment Designation it shall be the intention of Council to establish a DND zone which permits the continuation of Department of National Defense military and support activities at Canadian Forces Base Shearwater.
- PA-3 Within the Plan Amendment Designation, it shall also be the intention of Council to apply a rural estate zone to the Hartlen's Point golf Course pursuant to Policy RR-2. This zone will permit this recreation use and provide direction for the desired form of future development should these lands ever become surplus to the requirements of the Department of National Defense.

#### INDUSTRIAL DESIGNATION (pages 95 -97)

The Industrial Designation has been applied to those lands which define the major industries at the present time and those which are reasonable areas of expansion. Although the Designation is intended to support industrial development, it is also meant to establish a barrier to future intrusion into the community. For this reason, the extension of general industrial zoning will not be permitted outside of the Designation.

- IND-1 It shall be the intention of Council to establish an Industrial Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the Designation shall constitute the priority area for the development of general industrial facilities and supporting commercial and transportation uses.
- IND-2 Within the Industrial Designation, it shall be the intention of Council to establish a general industry zone which permits the development of heavy industrial and industrial related uses. Controls on separation distances, buffering, parking and signage will be established to address compatibility concerns. The zone will also provide for the exemption of rear or side yard requirements when such yards impede the accessibility of transportation related uses.
- IND-8 Notwithstanding the provisions of Policy IM-6, no industrial zone permitting general industry shall be considered by amendment to the land use by-law except within the Industrial Designation.

IMPLEMENTATION (pages 105-109)

The following policies include the basic requirements for proper implementation based on the policies of the strategy and adoption of regulations under the Subdivision By-law, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

- IM-4 More specifically, Council shall amend this strategy if lands located within the Plan Amendment Designation should become declared surplus to the needs of the Department of National Defense.
- IM-7 Notwithstanding Policy IM-6, and pursuant to Policy IND-8, no zone which permits the development of general industrial uses shall be considered by amendment to the land use by-law except within the Industrial Designation.
- IM-8 The following uses shall only be considered by amendment to the land use by-law:
- (e) within the Industrial Designation:
  - (i) residential, commercial, industrial, community facility uses, according to Policy IND-4; and
  - (ii) commercial entertainment uses according to Policy IND-5.
- IM-11 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:

- (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
- (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

IM-12 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the Planning Act.

Attachment D

Relevant Zoning Provisions from the Eastern Passage Cow Bay Land Use By-law

**PART 25: D-1 (DND) ZONE**

**25.1 D-1 USES PERMITTED**

No development permit shall be issued in any D-1 (DND) Zone except for the following:

DND Uses

Canadian military installations

**25.2 D-1 ZONE REQUIREMENTS**

In any D-1 Zone, no development permit shall be issued except in conformity with the appropriate provisions of Part 6.

**PART 15: C-5 (MIXED USE) ZONE**

**15.1 C-5 (USES PERMITTED)**

No development permit shall be issued in any C-5 (Mixed Use) Zone, except for the following:

Community Uses

Open space uses;

Institutional uses.

**15.3 OTHER REQUIREMENTS: COMMERCIAL AND INDUSTRIAL USES**

Where uses are permitted as Commercial Uses or Industrial Service Uses in any C-5 Zone, the following shall apply:

- (a) The gross floor area of any commercial building, including any floor area devoted to permitted dwelling units, shall not exceed five thousand (5,000) square feet (464.5 m<sup>2</sup>).
- (b) The area devoted to open storage or outdoor display shall not exceed fifty (50) percent of the lot area.
- (c) No open storage or outdoor display shall be permitted within ten (10) feet (3.0 m) of any lot line.



15.4 C-5 ZONE REQUIREMENTS: COMMUNITY USES

In any C-5 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 23.

PART 23: P-2 (COMMUNITY FACILITY) ZONE

23.1 P-2 USES PERMITTED

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following uses:

Institutional Uses

Educational institutions and uses;

Denominational institutions and uses;

Day care facilities;

A single dwelling unit in conjunction with a daycare facility;

Senior citizen housing;

Existing residential care facilities;

Fire and police stations;

Government offices and public works except transportation maintenance yards;

Hospitals and medical clinics;

Public libraries, museums and galleries;

Fraternal centres and halls;

Community centres and halls.

23.5 EXEMPTION: INSTITUTIONAL USES

Notwithstanding Section 23.2, where uses are permitted as Institutional Uses, a building may be exempted from a yard requirement in order to permit it to be joined to a building on an adjacent parcel and in this case, all other yard requirements shall apply.

Attachment E

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01224

7:00 p.m.  
Monday, February 9, 2009  
Eastern Passage/Cow Bay Fire Hall

STAFF IN

ATTENDANCE: Darrell Joudrey, Planner, HRM Planning Applications  
Kurt Pyle, Supervisor, HRM Planning Applications  
Holly Kent, Planning Technician, HRM Planning Applications  
Jennifer Little, Planning Controller, HRM Planning Applications

ALSO IN

ATTENDANCE: Councillor Jackie Barkhouse  
Kenda MacKenzie, Halifax Water  
Ian Guppy, Environmental Management Systems

PUBLIC IN

ATTENDANCE: 8

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The meeting commenced at approximately 7:08 p.m.

**1. Opening remarks/Introductions/Purpose of meeting**

Mr. Darrell Joudrey, Planner, Planning Applications, called the meeting to order at approximately 7:08 p.m. in the Eastern Passage / Cow Bay Fire Hall.

Mr. Joudrey advised that this application is to amend the Eastern Passage / Cow Bay MPS and LUB by designating from Plan Amendment to Industrial on the Generalized Future Land Use Map (GFLUM) and zoning from DND (D-1) Zone to Mixed Use (C-5) Zone on the LUB zoning map for lands formerly owned by Department of National Defense (DND) at Eastern Passage. The current designation was put in place with the intent to be amended when the lands were released by DND and is reflected in the D-1 zoning that does not permit any uses other than continuation of DND activities. The proposed amendments will ensure appropriate zoning is in place in advance of Halifax Water beginning a proposed expansion to the Eastern Passage Wastewater Treatment Facility. He at this time introduced Councillor Jackie Barkhouse, District 8; Kurt Pyle, Supervisor, Planning Applications; Holly Kent, Planning Technician; and Jennifer Little, Planning Controller.

## 2. Overview of Planning Approval Process

The purpose of the public information meeting is to identify that HRM has received an application, identify the scope of what the proposal is, provide the public with an overview of the planning process, and to give the public an opportunity to ask questions and make comments. He added that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood to be included within a staff report that will be brought forward to Council. No decision will be made tonight.

Mr. Joudrey explained that Halifax Water purchased the lands to expand the Eastern Passage / Cow Bay treatment plant. In 2004 a report identified capacity constraints that this expansion will address; tonight's meeting is a continuation of the process that began in 2004. The issues being addressed is that the existing designation and zoning does not permit the expansion. He explained that Halifax Water is proposing to redesignate and to rezone the lands.

Mr. Joudrey reviewed a slide showing a picture of the subject property. He reviewed the current treatment plant, explaining that it is approximately 5400 square meters. The current designation on the land is Plan Amendment and zoning as DND (D-1). He briefly explained that it allows for parkland use and DND related activities.

## 3. Presentation of Proposal

Ms. Kenda MacKenzie, Halifax Water explained that Halifax Water has submitted the rezoning application to undertake the expansion of the treatment plant. She reviewed a slide showing an areal view of the existing treatment plant, pointing out the lands where they are looking at developing. She added that when HRM and Halifax Water did a merger, Halifax took ownership of the land and project to handle the sewage of the existing current service boundary. She reviewed a slide showing a preliminary sketch of the area. She added that the structure process would be taking place in the summer with an estimated time of completion as 2011/2012.

## 4. Questions and Answers

A gentleman asked who Halifax Water is.

Ms. MacKenzie explained that Halifax Water is previously known as Halifax Regional Water Commission. This company only focused on the water supply and treatment for bottle water. As of 2007, a merger had taken place. The waste water component that was at that time handled by HRM, was then merged over with the Halifax Regional Water Commission which inclusion formed Halifax Water.

Mr. Michael Myers, Cow Bay Road, Eastern Passage inquired about a previous slide which indicated that there would be no decision made at tonight's meeting however, the land is already purchased. He questioned why the land was purchased for this treatment plant, if it was not already approved?

Ms. MacKenzie introduced Ian Guppy, Environmental Management Systems.

Mr. Guppy explained that the project was initiated under HRM, as part of the merger of Storm Water, Waste Water Services. Going through the process, Council approved the land purchase. This is a housekeeping exercise for the land to be zoned appropriately. Since then, Council has been discussing and debating the zoning change. It was explained that the land was needed in order to implement the plan expansion and upgrade.

Mr. Myers added that this would be the third or fourth expansion of the plant, and asked why they didn't buy more land. He addressed concern with the property being maxed and that each additional plant being placed in the area leads to Dartmouth and Cole Harbour also adding overflow. Will this expansion solve all of the overflow issues? or will it need to be increased again in the future?

Mr. Guppy explained when reviewing the expansion of the land they also looked at the serviceable boundary and what potential development could occur within the area as well as what would be reasonable for future greenfield development. They had reviewed the ultimate land needs and what would be needed. He assured that they are confident that the lands acquired is sufficient for their long term needs. The current project will provide them with the capacity to service the lands and should there be a need to develop beyond the serviceable boundary, they will have the option to do some modifications to accomplish that.

Mr. Myers added that 25 years ago there was no plant, now it will be expanded for the third time.

Mr. Guppy explained that the original plant was developed in 1974, serving those areas of Halifax County. In 1986 there was a modification of the plant. In anticipation of the Harbour Solutions Project, they changed the plant to its current configurations.

Mr. Thomas Harmes, Cove Bay Road, Eastern Passage asked if the plan amendment will allow for a change in the service boundary?

Ms. MacKenzie explained that it would not allow for a service boundary change, only to allow for the proper zoning, to allow them to get the appropriate permits for the facility. If any other changes were to be made, it would have to go through another public process and through Regional Council.

Mr. Thomas explained that at the last expansion meeting, it had been recorded in the minutes that there would be no further expansion to the plant unless Eastern Passage got the benefit out of the serviceable boundary. He expressed concern with HRM picking away at the area and service plant without any benefit to Eastern Passage. He noted that the Community should be getting some benefit from it and does not feel that it is in the best interest of the Community.

Mr. Myers expressed concern that the communication regarding the public information meeting had been misunderstood by himself and others. It noted the rezoning of DND lands, he thought

the meeting was in regards to the underpass. The communication should have explained which portion of the DND lands was being reviewed or noted that it was in relation to the treatment plant. He also asked if this expansion would bring the plant up to a second stage.

Mr. Guppy explained that it was communicated back in 2004 that the plant had reached its capacity. Nova Scotia Environment has instructed the Municipality to work on a plan to become in compliance; this is the reason behind the upgrade. He added that the life span of an upgraded plant is approximately 25 years. There will be new requirements that will need to be met, this will bring the Plant up to secondary treatment.

Ms. Becky Kent, MLA explained that the communication was clear regarding the compliance issues, and that there is concern for the health and safety when there is a Plant servicing an area that is out of compliance. She added that there is concern around the future development of the area because the plant is not in compliance. Building a plant that will allow for the safety and a healthy treatment for the current households in the Community is enough of a benefit to vote in favor of this.

Ms. Kent asked what the total value of the project is?

Ms. MacKenzie explained that it is around \$35 million at this point.

Ms. Kent asked when the Public Hearing will take place?

Mr. Joudrey explained that the earliest date that could be set is in June 2009.

Ms. Kent asked what is allowable under the MPS plan amendment on this site? Is it only specifically for this site or will it have an effect on the larger MPS?

Mr. Joudrey explained that there is a large area of Plan Amendment that is mostly DND lands. The only lands designated plan amendment are the DND lands.

Councillor Barkhouse explained that until the extension of the plant takes place, extensions of services can not even be contemplated. She expressed concern regarding being over capacity and explained that when there is a heavy rain fall or flooding, this area causes her great concern. The issue needs to be addressed.

Mr. Myers requests that there should be an agreement with DND or HRM should purchase additional lands in the area. There may be a second phase in the future or an expansion that they will need the additional lands for. He expressed his concern with this and suggested that HRM have an agreement with DND to be able to expand the lands if necessary.

Mr. Guppy explained that there has been engineering studies conducted and they are confident that the parcel of land purchased will allow for the necessary capacity to service the needs for the next 25 years. There are no plans to make any requests for additional lands at this time. However, this will be reviewed again in 20 years.

Ms. Kent questioned what the current treatment level of the plant is.

Mr. Guppy explained that the Plant is currently primary and will be updated to a secondary plant. The level of treatment is depending on the receiving water. Part of the project and receiving water study has been made and Nova Scotia Department of Environment and Department of Fisheries and other regulators are interested in the outcome of the study.

Ms. Kent asked what the Halifax Harbour treatment level is.

Mr. Guppy explained that the Halifax Harbour currently has an advanced primary treatment plant.

Mr. Harmes explained that he understands the necessary safety issues, but the residents of the Community have been hearing the same story since 1974. He expressed concern with a previous meeting that was held when the initial plant was put into place, and that the residents were told that the plant would have sufficient capacity to allow Clayton Development to add another 25 acres to it. But, because of the storm water overflows the plant could not handle it. He noted concern with it being upgraded and the Community not receiving anything in return.

Ms. MacKenzie explained that some of the changes that occurred in 1986 was understood that the plant for treating all of the waste water in the Harbour, would be taking place in a central location. They envisioned taking the treatment level at Eastern Passage from secondary to a primary and allowing lands from Cole Harbour to come into the treatment plant in anticipation that it would become a pump station. However, since then the solution did not come to be, and now there are treatment plants in Halifax, Dartmouth and in Hearing Cove. Over time, there has been changes in the regulations as well wet weather conditions that have been effecting it. They are currently looking at trying to identify key locations for dealing with the wet weather conditions, at the source.

Councillor Barkhouse explained that she will be looking out for the interest of Eastern Passage/ Cow Bay first.

Mr. Harmes explained that there will be a number of residents that will be aware of the application following this meeting and will be attending the Public Hearing.

Mr. Myers questioned what that staff does with the comments that are made at tonight's meeting.

Mr. Joudrey explained that minutes from tonight's meeting will be submitted with the staff report to Regional Council for their review.

Ms. Mackenzie suggested that the residents take one of her business cards and explained that if anyone has any further questions or comments that they never thought of at tonight meeting to contact her.

Councillor Barkhouse explained that it is very important that the Community continue to be involved and encouraged everyone to continue attending the meetings.

5. Closing comments

Mr. Joudrey thanked everyone for coming to the meeting and expressing any comments and concerns they had.

6. Adjournment

The meeting adjourned at approximately 7:57 p.m.