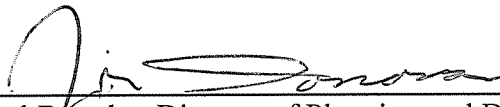


Halifax Regional Council
June 18, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer

for 
Paul Dunphy, Director of Planning and Development Services

DATE: June 13, 2002

SUBJECT: **Project #00082: Construction and Demolition (C&D) Waste Management Strategy: Proposed Amendments**

ORIGIN

Proposal originates from the Council's intention to implement a Construction and Demolition Waste Management Strategy as part of the Regional Solid Waste/Resource Management Strategy.

RECOMMENDATION

It is recommended that Regional Council:

- i **move first reading and set a public hearing date(s)¹ to consider adoption of the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws;**
- ii **approve the proposed amendments presented in Attachments I (1) through XXXVII (37), inclusive²; and**
- iii **in conjunction with the recommended plan and by-law amendments, consider individual applications for C&D processing and disposal facilities in Harrietsfield, Antrim and Dartmouth and, based on their individual merits, adopt additional planning policies to accommodate such operations where appropriate.**

¹**NOTE:** Council is advised that this matter is expected to generate significant public interest and debate and that First Reading on June 18 will not provide sufficient lead time for advertising a Public Hearing on July 2. In deference other major initiatives on Council agendas during the month of July, at least two evenings, separate from regular Council meetings, should be set aside to consider this matter.

²It should be noted that the numbering of policies and by-law amendments may change due to other amendments being created, specifically those related to Capital Cost Contribution (CCC) Policy.

BACKGROUND

- On October 23, 2001 , Regional Council adopted a process to amend municipal planning documents as part of a regional C&D Waste Management Strategy. Subsequently, staff conducted a public consultation process comprising:
 - (a) 6 public meetings (one in each Community Council area)
 - (b) Joint Meetings of Planning Advisory Committees (2 meetings)
 - (c) Joint Meeting of Watershed Advisory Boards (also individually)
 - (d) Meetings with Community Councils having no Planning Advisory Committee
- Subsequent to these consultations, detailed amendments to all applicable municipal planning documents were prepared and presented to respective Community Councils. The Community Councils have recommended that Regional Council hold a public hearing on the amendments.
- During the public consultation process, three business interests petitioned to be considered in conjunction with the amendment process in order to expand their current development rights related to C&D and to accommodate new operations on specified sites.
- Regional Council responded these requests on March 5, 2002, by:
 - (a) setting a deadline of March 15, 2002 for receipt of additional applications; and
 - (b) adopting a process to evaluate individual submissions on the basis of:
 - ➡ Submission of a detailed development proposal;
 - ➡ Public input from information meetings;
 - ➡ Evaluation of proposals based on policy criteria and public comments; and
 - ➡ Recommendations of municipal staff relative to the merits of each proposal.

This staff report:

- (a) includes detailed amendments to all municipal planning documents required to implement the land use policy objectives of the regional C&D Waste Management Strategy;
- (b) describes revisions which have been made to the draft amendments in response to the public consultation process described above;
- (c) describes the process used in evaluating individual submissions and describes options available to Council in considering these requests;
- (d) evaluates three individual applications to permit C&D disposal operations at specific locations in Harrietsfield, Dartmouth and Antrim as per the process adopted by Council; and
- (e) provides specific recommendations relative to each submission and to the overall amendment package pertaining to all municipal planning documents.

DISCUSSION

1. Detailed Amendments to Planning Documents

In order to implement the land use policy objectives of the regional strategy for C&D waste management, it will be necessary to adopt amendments to all of HRM's existing municipal planning strategies and land use by-laws (MPS's and LUB's). Detailed information related to the scope and thrust of these amendments has been provided in previous staff reports to Regional Council on this initiative. The specific amendments requiring adoption are attached to this report as Attachments I through XXXVII inclusive.

2. Revisions Made in Response to Consultation Process

On the basis of input from Community Councils and from public consultations related to the three requests, a number of revisions have been made to the earlier version of amendments presented to Community Councils. These revisions relate to MPS and LUB documents and are as follows:

Revisions to Proposed MPS Documents

- (i) Community Liaison Committee (CLC): The revised amendment package includes policy provisions in support of formation of Community Liaison Committees (CLC's) such as the one established in conjunction with the Otter Lake facility. CLC's are intended to foster better relations among operators, regulators (including HRM) and host communities and to enhance monitoring C&D disposal operations to ensure compliance with any applicable by-laws, regulations or land use policies. All of the proponents associated with the applications considered under this report support the notion of a CLC, and the proposed policy revisions call on the Province to encourage CLC's in conjunction with all C&D disposal operations.
- (ii) Rezoning Criteria: The earlier version of MPS amendments included standard criteria for evaluating rezoning applications to permit C&D facilities, including disposal-based operations.³ On the basis of experience gained through evaluating the three submissions associated with the proposed amendments, staff feel that the environmental information requirement for a C&D disposal operation should be enhanced in order to better assess potential impacts associated with such operations. Therefore, a revision has been made to require applicants for any CD-3 (Disposal) Zone to submit the same level of information required for a complete application under the provincial C&D disposal guidelines.

Revisions to Land Use By-law Amendments

- (i) Provisions Respecting Landscaping: Under the general requirements for C&D operations, a landscaped area along the front of the property is required as a condition for municipal permits.

³**NOTE:** Proposed Policy 13.6 for the Halifax MPS, provided in Attachment I, typically represents the evaluation criteria for rezonings which would be inserted in all planning documents.

The purpose of the landscaped strip is to enhance the visual appearance of the operation from the abutting road system. However, where a site is already well-vegetated (ie trees) there is no need to provide additional landscaped area. Consequently, revisions have been made to exempt such sites from the requirement provided existing vegetation along the property line is maintained.

- (ii) Metric Conversion Errors: The proposed amendments specify separation distances in both metric and imperial measurements. Within the CD-3 Zone, certain distances were incorrectly converted and have been corrected.
- (iii) Dwelling Intended for Security or Maintenance Personnel: C&D Operators have requested provision to be made to permit a dwelling to be constructed in conjunction with a C&D facility for the purpose of enhancing security or maintenance. Similar measures have been taken in other industrial zones as a means of addressing security issues and addressing operational concerns. Provisions to permit such dwellings have therefore been included in the revised land use by-law amendment package.

Revisions to C&D Licensing By-law L-200

In addition to the various revisions to planning documents which have been described above, there is also a need to amend HRM's C&D License By-law (L-200) in response to the consultation process. The proposed amendments to By-law L-200 are described in a June 6, 2002 staff report tabled with Regional Council on June 11.

3. Process Used in Evaluating Individual Submissions

Pursuant to Regional Council's adoption of a process for evaluating individual submissions as part of this amendment process, the Municipality received three requests prior to the March 15 deadline:

- (i) RDM Recycling Limited : Harrietsfield
- (ii) Halifax Construction and Debris Recycling Limited: Antrim
- (iii) Metro Construction Debris Limited: Dartmouth

In order to ensure sufficient information was provided in support of individual submissions, staff imposed a deadline for the submission of a detailed development proposal. On the basis of the information submitted, the information requirements were later revised to consider information in support of a proposal at the pre-design stage. Each applicant was permitted to submit additional information after the deadline. The reason for the change relates to Regional Council's desire to have proposed amendments to the MPS and LUB in place for the 2002 construction season, and certain information could not be provided in time due to weather and site conditions.

Despite the change in information requirements, the evaluation of each submission focuses on the same issues and concerns identified in the February 7, 2002 staff report. Detailed evaluations of the three submissions are presented in Appendices 1, 2 and 3 of this report. Each evaluation is organized under 6 categories/headings as follows:

1. Proposal: description of the proposed development, operator, community and general site conditions;
2. Public Information Meeting: referring to minutes taken as part of individual public meetings held as part of the consultation process;
3. Evaluation Based on Proposed Policy Criteria: an evaluation of each submission in relation to proposed policy criteria to be established upon adoption by Council of the attached MPS amendments, addressing such matters as traffic, site layout, aesthetics and other considerations;
4. Land Use By-law Amendments: a determination of whether the proposal is capable of meeting the provisions of the zoning which is being applied for, which in most cases is the CD-3 (Disposal) Zone.
5. Site Plan Approval Considerations: a determination of what if any additional information would be required in order to consider an application made for Site Plan Approval as per the proposed MPS policies;
6. Provincial Requirements and Approvals: an overview of comments received from the Department of the Environment and Labour (DEL) based on a preliminary analysis of each submission.

Specific recommendations pertaining to each submission resulting from the detailed evaluations are provided in the "Recommendations" section at the end of this report.

Environmental Considerations:

Upon initiating this amendment process, staff suggested that it would be desirable to avoid duplication of effort relative to DEL requirements. Rather, the focus of municipal review would be on land use compatibility and community issues. At the same time, however, staff has supported the adoption of more stringent environmental requirements related to setbacks, requirements for sorting pads and exclusion of certain C&D materials from disposal sites in order to address local concerns. Despite these measures, many members of the public have expressed a desire to see HRM more involved in environmental aspects of C&D proposals.

HRM relies on DEL for its expertise on environmental matters. The department is the regulatory agency responsible for final approval of C&D disposal operations and for ensuring environmental compliance. Further, the Minister of the Environment and Labour has broader powers over C&D disposal operations than municipalities. This includes the ability to require environmental assessments. Staff therefore, recommend that DEL continue to be identified as the lead agency on environmental matters related to C&D.

Options Available to Council in Considering Requests:

In the process of holding consultations and conducting the evaluations for individual proposals, a number of questions have arisen which should be brought to the attention of Regional Council in order

to clarify, for example, what happens next should an individual submission receive Council approval. Questions raised, along with responses are as follows.

1. What Happens if a C&D Submission Receives Council Approval?

If Council approves a request for CD-3 Zoning to permit a disposal-based operation for example, additional approvals would still be required:

- First, permits under the CD-3 Zone, including Site Plan Approval would be required.
- A license under By-law L-200 would also be required at this time.
- Failure to provide sufficient information or to satisfy the requirements of the By-law, would result in no permit or license, as the case may be, being issued.

Upon receiving any required municipal approvals, an applicant would apply to the Department of the Environment and Labour for approval of a C&D disposal operation. The Department will review the submission and determine whether or not to grant approval.

2. Does HRM Need a C&D Disposal Site?

The Regional Integrated Waste Management Strategy calls for the C&D component of the municipal waste stream to be managed by the private sector. The Strategy envisioned that most C&D materials would be either recycled or reused. HRM's C&D License By-law supports this vision by excluding certain materials from disposal. However, the Strategy also envisioned the need for disposal by landfill of materials which cannot be recycled or reused.

There are currently no C&D disposal facilities within HRM. The fact that there is not an alarmingly high incidence of illegal dumping and disposal activities related to C&D materials is a testament to the conscientiousness and environmental ethic of HRM's citizens and businesses alike.

At the same time, C&D materials are being trucked outside the municipality and large quantities of materials are being stockpiled. A municipality of HRM's size, with its strong building market, needs at least one C&D disposal (preferably on either side of Halifax Harbour), to ensure diversion, market competition and reliable service to the construction industry. If none of the three proposal are permitted, HRM may not see a C&D disposal site established until 2003 or 2004, existing stockpiles would not be reduced, and materials would continue to be trucked outside the municipality and in some cases, disposed of improperly.

3. What Are Council's Options Relative to Individual Submissions?

1. Approval of one, two or all of the submissions. Council is not obligated to consider any of the submissions as part of the proposed C&D-related amendments to planning

documents. However, should Council decide that a proposal warrants approval and inclusion within the overall amendment package, it will necessary to adopt specific policies within the applicable municipal planning strategy to recognize the proposal and apply the CD-3 Zone. It should be noted that this approach would preclude any aggrieved parties from appealing Council's decision to the Nova Scotia Utility and Review Board.

2. Refusal of one, two or all of the submissions. Should Council decide not to consider any, some or one of the three submissions as part of the overall amendment package, both Metro Construction and Halifax C&D would be eligible to apply for a rezoning based on the proposed MPS amendments. RDM Recycling, however, is not located within a land use designation which would enable it to be considered for the CD-3 Zoning. Should it be determined that RDM be enabled to apply for a rezoning, it will be necessary to insert a policy into the Municipal Planning Strategy and Land Use By-law for Planning District 5 to provide that option as part of the overall the amendment package. Additional MPS policy amendments required to accommodate each of the three submissions are provided in Appendices 1A, 2A and 3A of this report.

RECOMMENDATIONS

Staff recommend that the general amendments to all municipal planning documents required to support implementation of the land use objectives of the regional C&D Strategy be adopted by Council. Furthermore, information submitted in support of each of the three submissions has been reviewed and evaluated based on criteria outlined in the proposed policies included with the attached MPS amendments. Detailed analysis is provided in Appendices 1, 2 and 3 of this report. Following is a summary of the main findings and recommendations.

1) RDM Recycling Ltd.- Harrietsfield

The proposal submitted by RDM Recycling Ltd. is analyzed in Appendix 1. This is the most comprehensive proposal submitted in terms of the information and level of detail. Based upon the information submitted, the proposed disposal facility meets the separation standards as outlined in the CD-3 Zone and HRM's C&D License By-law. HRM Solid Waste indicates that, although the proposal meets the requirements of the C&D License By-law, additional information is required before a license can be issued.

RDM's proposal contained sufficient information to support an application to the Department of the Environment for a C&D disposal operation, with the exception of a hydrogeological assessment. The applicant has just completed this and has submitted it to the Department of the Environment and Labour. Until the review of the assessment is complete, the Department of the Environment and Labour can only indicate that there are no specific issues which would preclude a recommendation from being made.

RDM's proposal meets the technical criteria for a C&D disposal facility as outlined in the proposed MPS amendments. However, the proposal is not consistent with the current MPS in that the facility would

be located within an area which has been designated for residential development despite having been utilized as an industrial site for a number of years. The Residential Designation recognizes existing industrial sites but does not support new non-residential uses on the site. Additionally, the proposal is inconsistent with the proposed MPS amendments which are intended to direct C&D disposal operations away from areas designated for residential development.

Given the RDM's site's proximity to existing residential properties, staff is not prepared to recommend approval of the RDM proposal. However, if Council satisfied that this proposal warrants consideration as a unique situation and/or provides a benefit to the municipality (Refer to analysis in Appendix 1), further revisions should be incorporated into the proposed MPS and LUB amendments for the Chebucto Peninsula to recognize and accommodate the proposal. These additional amendments are provided in Appendix 1A.

2) Halifax Construction Debris Recycling Limited

The detailed assessment of the Halifax C&D Recycling proposal for Antrim is provided in Appendix 2 of this report. Analysis was conducted on the basis of information in support of a pre-design proposal. From the proposal, staff have determined that the facility meets the separation requires of the CD-3 Zone and HRM's C&D License By-law. Further, HRM Solid Waste has indicated that proposal meets the requirements of the C&D License By-law. However, additional information is required before a license can be issued.

In regards to DEL requirements for a C&D disposal operation, the proposal does not contain a sufficient level of detail to determine an acceptable level of protection to the natural environment (see staff's evaluation). However, it contains sufficient information for DEL to determine that there are no specific issues which would preclude the application from receiving a recommendation. The information required to make a final determination would be submitted to the Department of the Environment and Labour when a formal application is made for a C&D disposal site.

The subject property is located in the vicinity of Dollar Lake Provincial Park and the Clattenburg Wilderness Area. The applicant has submitted information to the Department of Natural Resources for comment. However, HRM has not received any comments on the proposal from the Department on the impact of the facility on either the Provincial Park or Wilderness Area.

The Halifax C&D site is not located in the vicinity of an identified residential area. However, the site's proximity to a Provincial Park and Wilderness area, and the absence of comments from provincial agencies could be problematic. However, should Council wish to accommodate the Halifax Construction Debris Recycling Limited proposal (Refer to analysis in Appendix 2), it will be necessary to adopt additional amendments for the MPS for Musquodoboit Valley - Dutch Settlement Area to recognize and support the proposal. This would enable an application to proceed through the regulatory and permit process so as to prompt a decision from the Province. The additional MPS amendments needed to effect this are outlined in Appendix 2A.

be located within an area which has been designated for residential development despite having been utilized as an industrial site for a number of years. The Residential Designation recognizes existing industrial sites but does support new non-residential uses on the site. Additionally, the proposal is inconsistent with the proposed MPS amendments which are intended to direct C&D disposal operations away from areas designated for residential development.

Given the RDM's site's proximity to existing residential properties, staff is not prepared to recommend approval of the RDM proposal. However, if Council satisfied that this proposal warrants consideration as a unique situation and/or provides a benefit to the municipality (Refer to analysis in Appendix 1), further revisions should be incorporated into the proposed MPS and LUB amendments for the Chebucto Peninsula to recognize and accommodate the proposal. These additional amendments are provided in Appendix 1A.

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In regards to DEL requirements for a C&D disposal operation, the proposal does not contain a sufficient level of detail to determine an acceptable level of protection to the natural environment (see staff's evaluation). However, it contains sufficient information for DEL to determine that there are no specific issues which would preclude the application from receiving a recommendation. The information required to make a final determination would be submitted to the Department of the Environment and Labour when a formal application is made for a C&D disposal site.

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3) Metro Construction Debris Recycling Limited

The staff analysis of the Metro Construction proposal in Dartmouth is detailed in Appendix 3. This review was based on a general level of information provided in support of the proposed facility. Due to the level of information provided, staff are unable determine whether or not the proposal meets all required setbacks, especially from watercourses as the level of information is unclear as to the status of certain watercourses. Consequently, HRM Solid Waste cannot ascertain whether or not meets the requirements of the C&D License By-law can be met for issuance of a license.

The Department of the Environment and Labour has reviewed the proposal and could not determine whether or not there are any specific issues which would preclude the application from receiving a positive recommendation. The proposed operation would be situated in an active quarry and the Department has expressed concern regarding the impact of blasting on the disposal cell liners. DEL has recommended that an expert verify the potential impact associated with blasting.

Due to the level of information submitted in the proposal, (Refer to analysis in Appendix 3) staff are recommending that Council defer decision on this proposal until additional information is provided. Upon receiving the required information, staff and DEL will re- evaluate the proposal and provide a report to Council.

BUDGET IMPLICATIONS

While administration and enforcement requirements are relatively small, there may initially be a need for additional resources to be allocated to these activities. The required resources will be determined based upon the number of private C&D facilities located in HRM.

If no proposal for C&D disposal is approved HRM may continue to lose diversion credits from the Resource Recovery Fund at the price of \$15.00 per tonne, representing a significant impact on the operating budget.

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

Council may choose to make changes to the proposed amendment package before setting a date for a public hearing. Further, Council could defer setting a public hearing date for one, two, or all of the

proposals pending further information and evaluation. This would result in the deferred proposals not being able to be in operation until 2003.

ATTACHMENTS

Appendix No: Description:

- 1: Evaluation of RDM Recycling Ltd's Proposed C&D Facility in Harrietsfield
- 1A: Additional MPS and LUB Amendments Re: RDM's Submission
- 2: Evaluation of Halifax C&D Recycling Ltd's Proposed C&D Facility in Antrim
- 2A: Additional MPS and LUB Amendments Re: Halifax C&D's Submission
- 3: Evaluation of Metro Construction Ltd's Proposed C&D Facility in Dartmouth
- 3A: Additional MPS and LUB Amendments Re: Metro Construction's Submission

Map No: Description:

- 1: Site Plan for RDM Recycling Limited - Harrietsfield
- 2: Site Plan for Halifax C&D Recycling Ltd. - Antrim
- 3: Site Plan for Metro Construction Debris Limited - Dartmouth
- 4: Rezoning of Lands for Halifax C&D Ltd. (Goodwood)
- 5: Rezoning of Lands for for RDM Recycling Ltd.
- 6: Rezoning of Lands for Halifax C&D Ltd (Ross Road)
- 7: Rezoning of Lands for Preston C&D

Attachment: Containing Amendments to:

- I: MPS for Halifax
- II: LUB for Halifax (Peninsula)
- III: LUB for Halifax (Mainland)
- IV: MPS for Planning Districts 1 and 3
- V: LUB for Planning Districts 1 and 3
- VI: MPS for Planning District 4
- VII: LUB for Planning District 4
- VIII: MPS for Planning District 5
- IX: LUB for Planning District 5
- X: MPS for Timberlea, Lakeside, and Beechville
- XI: LUB for Timberlea, Lakeside, and Beechville
- XII: MPS for Hammonds Plains
- XIII: LUB for Hammonds Plains
- XIV: MPS for Bedford
- XV: LUB for Bedford
- XVI: MPS for Sackville

XVII:	LUB for Sackville
XVIII:	MPS for Planning Districts 14 and 17
XIX:	LUB for Planning Districts 14 and 17
XX:	MPS for Dartmouth
XXI:	LUB for Dartmouth
XXII:	MPS for Eastern Passage/Cow Bay
XXIII:	LUB for Eastern Passage/Cow Bay
XXIV:	MPS for Cole Harbour/Westphal
XXV:	LUB for Cole Harbour/Westphal
XXVI:	MPS for Lawrencetown
XXVII:	LUB for Lawrencetown
XXVIII:	MPS for Lake Major Communities
XXIX:	LUB for Lake Major Communities
XXX:	MPS for Planning Districts 8 and 9
XXXI:	LUB for Planning Districts 8 and 9
XXXII:	MPS for Eastern Shore (West)
XXXIII:	LUB for Eastern Shore (West)
XXXIV:	MPS for Eastern Shore (East)
XXXV:	LUB for Eastern Shore (East)
XXXVI:	MPS for Musquodoboit Valley-Dutch Settlement Areas
XXXVII:	LUB for Musquodoboit Valley-Dutch Settlement Areas

Other Attachments:

XXXVIII:	Minutes of the Public Information Meeting - Harrietsfield
XXXIX:	Minutes of the Public Information Meetings - Antrim, Porters Lake
L:	Minutes of the Public Information Meetings - Dartmouth

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: Kurt Pyle - Planner, Planning and Development Services (490-4428)

**APPENDIX 1:
EVALUATION OF RDM RECYCLING LTD'S PROPOSED C&D FACILITY-
HARRIETSFIELD**

Proposal

Since 1998, RDM has operated a C&D processing facility at 1275 Old Sambro Road , Harrietsfield. The facility is now licensed under By-law L-200. RDM Recycling Ltd. is requesting permission to operate a C&D disposal facility in conjunction with their C&D processing facility. The entire facility hopes to handle approximately 25,000 tonnes of C&D material per year, of which RDM may landfill up to 15, 000 tonnes annually. The proposed disposal facility has a lifespan of approximately 20 years.

Access to the site is from Old Sambro Road and the property contains a number of existing buildings (office, maintenance and equipment storage, lunchroom) which are located at the front of the property (see Map 1). The processing facility is located near the front of the property while the proposed C&D disposal area will be located behind the processing area.

C&D material brought to the site will first have to be inspected , weighed, and recorded before allowing the vehicles to proceed to sorting pad area. At the sorting pad area a load of material will be sorted to determine what is recyclable and what requires disposal. If any non-C&D or unacceptable materials are detected, the material is contained and then removed off-site. Materials to be recycled will be processed on site and then trucked to market while material requiring disposal will be ground up and placed in the disposal area.

The proposal contains a wide range of information such as how the disposal will be designed and operated, litter control, dust control, fire protection, sorting pads, buffer zones, surface and ground water controls, leachate control, monitoring program, pests, etc. The information submitted with the proposal is the most comprehensive of the three submitted.

If the CD-3 Zone to the site, RDM hopes to have the disposal operation constructed and operational by the end of 2002.

Public Information Meeting

On April 18, 2002, staff held a public information meeting on the proposal at the Harrietsfield Elementary School. Attachment XXXVIII (38), provides the minutes from that meeting.

Evaluation Based on Proposed Rezoning Criteria:

C&D Waste Management Strategy

The subject property is designated Residential and zoned R-2 (two unit dwelling). The C&D processing operation is permitted on the property as a non-conforming use under the land use by-law as the property was previously used as a salvage yard. However, the Municipal Planning Strategy and Land Use By-law for Planning District 5 restricts the area upon which the business can operate. Consequently, the proposed expansion (ie disposal) would be inconsistent with the intent of the designation not to permit additional non-residential uses.

Under the proposed municipal planning strategy amendments for Planning District 5 (Chebucto), staff are recommending that Council only consider C&D operations parcels of land designated Industrial-Commercial. Thus, RDM's proposal is not consistent with the proposed amendments which recommend the exclusion of residentially designated areas for C&D operations.

RDM contents that the site has been utilized as an industrial business (ie Salvage yard) for many years and is considered a non-conforming industrial use. Thus, RDM contents the site fulfils the intent of proposed policy. Further, RDM has given 6 reasons for inclusion of the proposed as follows:

- i) Proximity to the city core, the origin of most C&D materials
- ii) Presence of a clay material which meets or exceeds the NSDOEL requirements
- iii) Sufficient land is owned by RDM to buffer the abutting neighbours.
- iv) Direct access to a provincial roadway.
- v) Can meet or exceed NSDOEL regulations, By-law L-200 regulations, and the CD-3 Zone requirements.
- vi) Existing C&D debris at their site has been prepared for disposal and will be a costly venture to move elsewhere

Despite the above reasons, staff wish to remind Council that one of the reason for the amendments was to provide a level playing field for the industry. In order for Council to consider the proposal, it would have to create a specific policy within the proposed amendment package to allow Council to consider RDM's proposal.

Environmental Considerations

The protection of the environment was one of two major issues raised by area residents, especially the protection of Shea's Lake and other watercourses within the same watershed. To protect Shea's Lake and other watercourses within the watershed, RDM has established baseline data for Shea's Lake and proposed an operational plan that outlines how they intend to protect the environment.

The approach consists of C&D material being buried into trenches which are lined with clay (the proposed liner exceeds Department of the Environment and Labour standards) and are covered daily. The system also consists of pipes running along the edge of the trenches collecting surface water and directing it away from the material being buried. Further, the system contains a sedimentation pond to

remove suspended particles and groundwater monitoring wells. Also, the system was designed to include the installation of a leachate control system.

Except for Shea's Lake, no other watercourses are shown on the site plan. The proposed facility is setback 150 metres from Shea's Lake as required under HRM's C&D License By-law. Further, the subject property and Harrietsfield Elementary are not located within the same watershed which addresses residents concerns of surface water from the facility contaminating the school's well.

Due to the topography (ie grade) of the property, RDM has indicated that the facility would not be located within a 1:100 year floodplain. To date, this issue has not been confirmed. However, the CD-3 Zone requires confirmation before a permit is issued.

The current operation already has on-site services (well and septic) and no further services are required, at this time, for the disposal operation. Any expansion of septic services will require the approval of the Department of the Environment and Labour. Additional environmental issues are discussed under "Provincial Requirements".

Traffic

The amount of traffic, especially truck traffic, to be generated by the proposed disposal site, in addition to current traffic levels, is a concern of residents. The basis for this concern relates to the current condition of Old Sambro Road and the fact that children have to walk along the road's edge to Harrietsfield Elementary, located to the north of the site on Old Sambro Road. To address the issue of pedestrian safety on Old Sambro Road, RDM intends to enforce safe driving habits with all of the haulers (ie circulation of an information handout that highlights the school zone on Old Sambro Road).

Access to the site is from an existing driveway that connects to Old Sambro Road which is under provincial jurisdiction and control. To determine the impact of the proposed facility on Old Sambro Road, RDM hired a traffic engineer, to conduct a Traffic Count Study for the road.

The Traffic Count Study indicates that RDM Recycling currently receives an average of 34 vehicles (22 cars⁴ and 12 trucks⁵) per day, based upon the operation handling 12,500 tonnes per year. The existing truck traffic represents less than 3% of all two way traffic on Old Sambro Road, north of the site. Most of the truck traffic using the Old Sambro Road turns off before reaching the RDM site. Under the proposal, the amount of material handled by the site will double to 25,000 tonnes and the Traffic Engineer predicts the amount of traffic will also double to 68 vehicles per day.

Despite the amount of traffic doubling, the Study concludes that the amount of "...truck traffic will still represent only a small percentage of all traffic on Old Sambro Road". Further, the increase in "...truck

⁴ Cars include cars, vans, cars with trailers, and 'half-ton' trucks

⁵ Trucks includes all trucks with dual wheels on the rear axle: 2 axle to 6 axle trucks

traffic is not expected to have any significant impact on the traffic volumes or the operational characteristics of Old Sambro Road."

In regards to the Traffic Count Study, staff have concerns with the results as only one count (ie day) was used as a basis for assessing traffic impacts. Further, staff does not know what impact the increase in non-truck traffic may have on the Old Sambro Road.

Site Location and Layout

The subject property abuts Galaxy Subdivision to the north, Old Sambro Road to the east and undeveloped lands to the south and west. Under the C&D License By-law, HRM requires a 60 metre setback from residential properties which the proposed disposal area meets.

In addition to the disposal area, the layout of the operation shall remain the same except for the establishment of sorting pad area near the centre of the property (see Map 1).

Appearance and Buffering/Screening

At present, there are five buildings/structures on the property. RDM does not intend to erect any new buildings in the near future. If a new building is constructed it would have to meet the new standards relative to setbacks and proceed through the site plan approval process. In addition, the operation is not intending to make any changes to the operation except for the inclusion of a C&D disposal area at the rear of the existing C&D processing area.

At present, vegetation along the edges of the property is not adequate to buffer the development from adjacent residential development. The applicant is proposing to plant new trees in the buffer area to reduce the visual and noise impacts. Also, the applicant is willing to consult with the adjacent residential property owners to determine the most effective measures to screen the operation. Further, under the site plan approval process the applicant will not be issued a permit to operate until this issue is addressed.

Land Use By-law Amendments

(CD-3 Zone)

The proposal has been evaluated to determine if it meets the requirements of the CD-3 (C&D Material Disposal Facility) Zone as follows:

Zone Requirements:

- exceeds the minimum lot area and frontage requirements and rear and side yard setbacks
- existing buildings do not meet the minimum front yard setback of 50 metres (if the CD-3 Zone is applied, the buildings would become non-conforming)
- below the maximum lot coverage permitted

- existing buildings do not exceed the maximum building height restriction

Separation Requirements:

- meets the minimum separation distance from a property line, residential dwelling, institutional use, and watercourse.

General Requirements:

- satisfies requirements regarding landscaping, yard setbacks, access requirements, and location of operation.
- facility will be required to show how it intends to meet the operating standards regarding noise, odours, and discharge of waste material or the permit for the facility before a permit is issued.

Site Plan Approval:

- see following section

Site Plan Approval Considerations

Based upon the submitted site plan for the proposed development, HRM Development Services has indicated that there are no major issues that would preclude the facility from being considered under the Site Plan approval process. If Council applies the CD-3 Zone, Development Services will have to conduct a detail site visit to ensure all issues are adequately addressed. Also, a revised site plan and additional information (ie stormwater plan and maintenance provisions) must be submitted to Development Services before a recommendation can be given.

Provincial Requirements

The Department of the Environment has reviewed the proposal and have indicated that there are no major issues that would preclude the proposal from being considered under the Nova Scotia Department of the Environment and Labour Construction and Demolition Debris Disposal Site Guidelines and the Approvals Procedure Regulations. The Department of the Environment has indicated that the information submitted with the proposal does not contain sufficient information to permit their department to make a recommendation to approve a C&D landfill on the site. The outstanding issue is the requirement for a surface water and groundwater assessment. The Assessment is a key component of the application as it provides more information on the hydrology at the site (ie migration rates, directions, water quality) which in turn is used to establish the level of design required to reduce risk to an acceptable level.

The required surface and groundwater assessment has been completed by the proponent's consultant and is currently being reviewed by the Department of the Environment and Labour. Staff hope to receive before any public hearing date the result of the assessment. Department of the Environment and Labour has indicated that if the proposed C&D site is designed and operated in accordance to their guidelines, an acceptable level of protection to the natural environment should exist.

**APPENDIX 1A:
ADDITIONAL MPS AND LUB AMENDMENTS TO ACCOMMODATE RDM'S
SUBMISSION⁶**

The Municipal Planning Strategy for Planning District 5 is hereby amended as follows:

1. Insert new preamble and policy immediately following Policy SW-12 as follows:

"RDM Recycling Limited

Since 1998, RDM Recycling Ltd. has operated a licensed C&D processing facility at 1275 Old Sambro Road, Harrietsfield. Prior to the current operation and the adoption of the Municipal Planning Strategy, the site was used as an industrial site by Nicholson's Salvage. RDM Recycling wants to establish a C&D facility that provides processing and disposal services. Due to the use of the site as an industrial use for a number of years, the operation is considered to be consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in industrial areas. Also, the facility implements the intent of the C&D Waste Management Strategy to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can't be recycled. Thus, Council support RDM proposal for a C&D disposal site at their current location at 1275 Old Sambro Road, Harrietsfield.

SW-13 Notwithstanding Policy SW-8 and RES-1, Council shall apply the CD-3 Zone to the RDM Recycling Ltd. property at 1275 Old Sambro Road (PID# 40072514), Harrietsfield to permit the processing and disposal of C&D materials only on that portion of the property situated between Shea's Lake and Old Sambro Road."

The Land Use By-law for Planning District 5 is hereby amended as follows:

1. Amending Schedule A (Planning District 5 (Chebucto Peninsula)) of the By-law to rezone only that portion of the land (PID# 40072514) highlighted on Map 1 as "Area to be Rezoned to CD-3" attached to this report from R-2 (Two Unit Dwelling) Zone to CD-3 (Materials Disposal Sites) Zone.

⁶NOTE: If deemed necessary and appropriate by Regional Council

**APPENDIX 2:
EVALUATION OF HALIFAX C&D RECYCLING LTD'S PROPOSED C&D FACILITY -
ANTRIM**

Proposal

Halifax Construction and Debris Recycling Ltd. wish to establish a C&D processing and disposal facility off the Old Guysborough Road (Highway 212) on lands located on the south side of the intersection of Antrim Road and Old Guysborough Road (see Map 2). The primary function of the facility will be to bury non-divert able C&D residue generated as a byproduct of activities from the companies other facilities at Goodwood (C&D processing facility) and Ross Road (C&D transfer station). The facility will also contain a public drop off area for C&D materials for residents of the area which is the main reason for a processing facility on-site.

Halifax Construction and Debris Recycling Ltd. will transport C&D residue by trailer dump trucks owned by the company. Halifax C&D hope to transport 50 to 100 tonnes of material to the site each day. The Old Guysborough Road is under provincial jurisdiction and is subject to Spring Weight Restrictions. Consequently, the facility should only be in operation for approximately 176 (8 months @ 22 days/per month) days per year and have a lifespan of approximately 18 years.

The property contains a total of 138 acres of forested land and is dominated by a drumlin structure which is covered with Lawrencetown till. However, the bedrock in the area consists of slate/shale which are sulphide bearing. Kaulback Brook is the primary watercourse traversing the property which flows into East Brook and discharges into Porters Lake. There are a number of smaller watercourses on the site.

Access to the facility will be from Old Guysborough Road onto an existing logging road which will be upgraded to an all weather road. Materials received will first be weighed, inspected, and recorded before being dropped at the processing area for sorting, shipping, and grinding. If large quantities of C&D material are received, they will be transported to the Goodwood facility for processing. During non-operating hours the facility will be gated.

Halifax Construction and Debris Recycling Ltd. hope to have the disposal operation opened for business by the end of 2002.

Public Information Meeting

On May 6, 2002, staff held a public information meeting on the proposal at the Goff's Fire Hall. A second meeting was held on June 6, 2002, at the O'Connell Elementary School in Porters Lake at the request of Councillor Colwell. The minutes from both meetings are provided in Attachment XXXIX (39).

Evaluation Based on Proposed Rezoning Criteria

Staff has reviewed the proposal relative to the proposed rezoning criteria and the relevant issues to the proposal are outlined below:

C&D Waste Management Strategy

Within the Musquodoboit Valley - Dutch Settlement Plan Area, staff are recommending that Council only consider C&D operations on lands designated Mixed Use. The subject property and surrounding area is designated and zoned Mixed Use which permits a wide range of residential, commercial, institutional, industrial, and resources uses.

Environmental

The protection of the environment was the major issue raised by residents of the area as they rely on well and septic services and place great value on protecting their natural environment (ie watercourses). Halifax Construction and Debris Recycling Ltd. is currently operating a slate pit rehabilitation project in the area (using certain C&D materials) which has recently raised concern with residents relative to odours, effluent from the pit, rodents, and the material (compost) used on-site. Consequently, residents of the area have serious concerns about the applicant's ability to run the proposed facility properly and protect the natural environment.

Halifax Construction and Demolition Recycling Limited is requesting a C&D disposal operation, not a pit rehabilitation project. Although C&D material is being landfilled at both sites, the operations are quite different and distinct. Of the two operations, HRM has influence on C&D disposal operations only. Thus, staff's review can focus only on the C&D disposal operation.

At present, there is one primary watercourse on the site, Kaulback Brook and the facility is located 150 metres from the Brook. However, the proposal lacks detailed mapping of watercourses on the site to confirm that the operation meets all required setbacks. Setbacks for the operation are outlined in the CD-3 Zone and HRM's C&D License By-law and they will be confirmed before any permits and/or license is issued. Further, staff has not been provided with information confirming that no portion of the operation (ie disposal area or processing area) is located within a 1:100 year floodplain. Again, the CD-3 Zone requires confirmation of this issue before permits are issued.

The bedrock in the area contains sulphide bearing rock which, if exposed, can cause significant environmental impact on watercourses in the immediate area and beyond. Two of the test pits used to determine the location of the disposal site detected bedrock. The applicant has indicated that it does not intend to impact upon areas of the site where bedrock was detected. Further, a geo-technical investigation will be done to confirm the depths of the site soils and the location of bedrock before the disposal area is constructed.

The proposed operation intends to employ a small number of employees which will require on-site services (water and septic system). To date, no system has been proposed but the applicant will be

required to obtain approval of any septic system from the Department of the Environment and Labour before permits are issued for the development.

Additional environmental issues are discussed in the section entitled "Provincial Requirements".

Traffic

The impact of the proposed facility on the Old Guysborough Road was the second major concern of area residents. Residents concerns related to the amount of traffic generated by the facility relative to existing traffic levels (ie. Dollar Lake Provincial Park and two golf courses) and the Spring Weight Restriction. The applicant has indicated that the facility would generate approximately 2 to 4 trailer dumps trucks per day. The Department of Transportation and Public Works has indicated that the proposed truck traffic would not negatively impact upon traffic circulation on Old Guysborough Road.

In addition to the traffic generated by Halifax Construction and Debris trucks, the resident drop-off area will result in increased traffic on Old Guysborough Road. Although the degree of traffic to be generated has not been determined, the applicant intends to restrict use the facility through application of tipping fees for commercial haulers.

In regard to the Spring Weight Restriction on the Old Guysborough Road, the applicant is aware of the restriction and has indicated that they do not intend to transport material to and from the site when the weight restriction is applied.

The proposed access road to the development meets the Department of Transportation and Communication sight stopping distances requirements.

Site Layout/Location and Buffering

At present, the site is forested as well as the surrounding properties. Halifax Construction and Debris Recycling Ltd. are proposing to establish it's facilities near the centre of the property and maintain a 100 metre buffer zone around the site which is larger than required under HRM's C&D License By-law or proposed CD-3 Zone. Within the buffer zone, the applicant does not intend to remove any vegetation. Due to the size of the buffer zone and existing vegetation on the property, the proposed processing facility should be adequately buffered from abutting properties.

The nearest resident dwelling to the facility is located approximately 2 km away. There are approximately 34 dwellings within 5 km of the property,. Within the 5 km radius, one can find Dollar Lake Provincial Park which is located 2.5 km away to the east and Clattenburgh Wilderness Area which is located approximately 3 km to the south. Further, the Halifax International Airport is located over 8 km away to the west.

The proposed facility will be able to stockpile material at the processing and disposal areas. In terms of the processing and disposal area, HRM License By-law places restrictions on the size, location, and height of stockpiles. Based upon the restrictions of the By-law, the location of the stockpiles, and the

amount of existing vegetation, the proposed storage areas should be adequately buffering from adjacent properties.

Appearance

To minimize the impact of the development on surrounding properties, the applicant only intends to remove the existing vegetation required for the processing and disposal area which will further minimize the need for additional measures to buffer the use and minimize noise issues. In addition, the retention of vegetation will reduce the need for any landscaping work along the front of the property.

Staff have concern that the disposal area may be visible from adjacent properties due to the elevation of the disposal cells. Further, a portion of the disposal area may be seen from Old Guysborough Road from the north-east corner to the property due to the elevation of Old Guysborough Road and the amount of vegetation in this area. To confirm whether or not buffering will be required, staff will require additional information regarding the height of the disposal cell above grade. Under the Site Plan Approval process, the applicant will be required to show how the facility will be buffered from the Old Guysborough Road and adjacent properties before permits are issued. This may result in trees being planted, fencing erected, berms created, or other measures.

Other Issues

Due to the proximity of the facility to Halifax International Airport and Dollar Lake Provincial Park/Clattenburgh Wilderness Area, staff required the applicant to contact both agencies to determine the potential impact of the facility. Halifax International Airport Authority has indicated that the proposed facility should not negatively impact upon airport operations but it has requested to be kept advised of the operation.

The applicant has contacted the Nova Scotia Department of Natural Resource regarding the proposed facility. However, no written response has been received from the Department to date regarding the impact of the proposal on either Dollar Lake Provincial Park or the Clattenburgh Wilderness Area.

Land Use By-law Amendments

(CD-3 Zone)

The proposal has been evaluated to determine if it meets the requirements of the CD-3 (C&D Material Disposal Facility) Zone:

Zone Requirements:

- exceeds the minimum lot area and frontage
- exceeds the minimum front, side, and rear yard setbacks
- below the maximum lot coverage and height of buildings

Separation Requirements:

- exceeds the minimum separation distance from a property line, residential dwelling, and institutional use
- meets the minimum separation requirement from a watercourse (as shown on the site plan)

General Requirements:

- satisfies requirements regarding landscaping, side, rear, or front yard setback, access requirements, and location of operation
- facility will be required to show how it intends to meet the operating standards regarding noise, odours, and discharge of waste material or the permit for the facility before a permit is issued.

Site Plan Approval:

- see below

Site Plan Approval Considerations

The subject site consists of two parcels of land. Under the Site Plan Approval process, the two lots must be consolidated as the process can only be applied to one parcel of land. The applicant has been advised this issue and has agreed to consolidate the two parcels of land.

The proposed site plan for the development (ie showing only one lot) was reviewed by HRM Development Service and it was determined that no major deficiencies were identified that would exclude the plan from the process. However, a revised site plan will be required and a site visit conducted by staff prior to a recommendation being made on the site plan.

Provincial Requirements

The proposal submitted for the operation provides a level of information consistent with a pre-design package, rather than a final design. Consequently, the Department of the Environment and Labour has indicated that the information submitted with the proposal is considered insufficient to determine an acceptable level of protection to the natural environment. In order for the Department of the Environment and Labour to make a recommendation on the proposal, additional detailed information is required.

Despite the lack of information, Department of the Environment and Labour has indicated that there are no specific issues which would preclude the application from receiving a recommendation for approval if identified issues are addressed.

**APPENDIX 2A:
ADDITIONAL MPS AND LUB AMENDMENTS TO ACCOMMODATE HALIFAX C&D'S
SUBMISSION⁷**

The Municipal Planning Strategy for Musquodoboit Valley-Dutch Settlement Area is hereby amended as follows:

- (1) inserting new preamble and policy immediately following Policy SW-12 as follows:

"Halifax Construction and Debris Recycling Ltd.

Halifax Construction and Debris Recycling Ltd. wants to establish a processing and disposal operation on an area of land located immediately south of the intersection of the Old Guysborough Road and Antrim Road . Due to the size of the site, amount of vegetation, number of dwellings, and that the property is designated and zoned Mixed Use, the site is consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in such areas . The facility will assist HRM in implementing it's C&D Waste Management Strategy which encourages operations to to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can't be recycled. Thus, Council support Halifax Construction and Debris Recycling Ltd. proposal for a C&D processing and disposal site off the Old Guysborough Road.

SW-13 Notwithstanding Policy SW-8, Council shall apply the CD-3 Zone to the area of land (PID# 40141210 and 40216293) immediately south of the intersection of Old Guysborough Road and Antrim Road to permit the processing and disposal of C&D materials."

The Land Use By-law for Musquodoboit Valley-Dutch Settlement Area is hereby amended as follows:

1. Amending Schedule A (Zoning Map for Musquodoboit Valley-Dutch Settlement Area) of the By-law to rezone the area of land (PID# 40141210 and 40216293) highlighted on Map 2 as "Area to be Rezoned to CD-3" attached to this report from MU (Mixed Use) Zone to CD-3 (Materials Disposal Sites) Zone.

⁷NOTE: If deemed necessary and appropriate by Regional Council

**APPENDIX 3:
EVALUATION OF METRO CONSTRUCTION LTD'S PROPOSED C&D FACILITY
DARTMOUTH**

Proposal

Metro Construction Debris Ltd. wish to operate a C&D processing and disposal facility at the Whebby quarry off Highway 118, Dartmouth (see Map 2). The facility is to be located in a quarried portion of the property, approximately 18 metres below grade. The quarry operation will continue to operate on the property.

Material that arrives at the facility will first be inspected, weighed and recorded and then dropped onto sorting pads. Material is sorted based upon whether not the material can be recycled. Any materials that require processing will be moved into a covered structure. C&D materials will be stockpiled before either shipped out or buried on-site. In addition, the applicant wishes to establish a used building supply operation on the property where C&D materials will be sold.

Between 1994 and 1996, Metro Construction operated a C&D disposal operation of the site. The facility was only allowed to use inert C&D material for rehabilitation of the quarry. Upon closing the operation, approximately 28,000 tonnes of material remain at the quarry on an artificial liner. Metro Construction intends to recycle as much of the material as possible and bury the remainder in the proposed facility.

The proposed facility will handle approximately 30,000 tonnes of C&D material per year and will have a life span of approximately 18 years. If Council gives the proposal the requested zoning, Metro Construction hopes to begin construction as soon as possible in order for the facility to be opened during the 2002 construction season.

Public Information Meeting

On May 15, 2002, staff held a public information meeting at the Dartmouth North Community Centre, Dartmouth. A second meeting was held on June 10, 2002 at the Michael Wallace Elementary School, Dartmouth. Attachment L (40) contains the detailed minutes of the May 15, and June 10, 2002 meetings.

Evaluation Based on Proposed Rezoning Criteria

Staff has reviewed the proposal relative to the proposed policy rezoning criteria and the relevant issues to the proposal are outlined below:

C&D Waste Management Strategy

Within the Dartmouth Plan Area, staff are recommending that Council only consider C&D operations on lands designated Industrial. The subject site is designated and zoned Industrial which permits any industrial or commercial use.

Environmental Considerations

The protection of the environment was the major issue raised by residents of the area, especially the protection of Lakes MicMac and Banook for fishing, boating, and swimming. Under the proposal, Metro Construction intends to install a collection system to control surface water. The system will consist of pipes, settling pond, and other measures to address particle levels within surface water. Further, both surface and groundwater will be regularly monitored.

Effluent from the settling pond will flow across the quarry via ditches into a wetland and then into Grassy Brook. Grassy Brook flows underneath Highway No. 118 and discharges into Lake MicMac. The fact that the quarry has removed the soil cover, erosion is not a major issue as on the other sites. Also, the flow of water can be more easily determine. However, there are a number of fractures in the rock, both natural and man-made which raises concerns with the protection of the ground water and the adjacent lakes. The proposal submitted does not contain an adequate level of information to determine the level of impact the operation may have on the environment (ie. Lakes MicMac and Charles).

The applicant has indicated that blasting will still occur on the property for the quarry. Furthermore, blasting will be required to create two of the disposal cells. Metro Construction contends that blasting in the quarry will not effect the disposal liners. Staff and the Department of the Environment and Labour have concern with blasting near the disposal cells and require expert evidence to support Metro Construction conclusion. To date, to such analysis has been conducted.

Under By-law L-200, the disposal cells must be setback 150 meets from a watercourse (ie. lake, brook, or wetland). At present, there is one primary watercourse on the site- Grassy Brook, which is located over 150 metres from the facility. Also, the wetland on the site and both lakes are located beyond the minimum 150 metre setback distance. However, the site plan shows a brook immediately north of the disposal area which flows away from the quarry. Consequently, the disposal operation does not meet the 150 metre setback requirement in this respect. The applicant contends that the brook no longer exists but no evidence has been provided to verify its status.

Due to the location of watercourses in the area and the grade alteration that has occurred as part of the quarry operation, the facility should not be located within a 1:100 year floodplain. However, the CD-3 Zone requires confirmation of this issue before permits are issued.

The proposed operation intends to employ a small number of employees which will require on-site services (water and septic system). The existing weigh scale house for the operation already has on-site services and the applicant has no intention to expand services in the future.

Additional environmental issues are discussed in the section entitled "Provincial Requirements".

Traffic

Access to the site is from the Highway No. 118 which is a major highway connecting Dartmouth to the Halifax International Airport and beyond. Due to the operation of the quarry, turning lanes on the highway already excess and provide access to the property in both directions. The facility will be gated during non-operational hours.

The existing access driveway will provide access to the existing quarry and asphalt plant and the proposed C&D operation. Most of the material delivered to the site will arrive by truck (est . 10 to 15 trucks a day). However, the used building supply operation will further increase traffic on the highway and place stress on the existing turning lanes.

The applicant has contacted the Department of Transportation and Public Works regarding the potential impact of the increased number of truck trips. The applicant was advised that a Traffic Impact Analysis needs to be conducted before the Department of Transportation and Public Works would consider issuing an access permit for the operation.

Site Location and Layout

The subject property abuts Burnside Industrial Park to the west and north, Highway No. 118 to the east, and Highway No. 111 to the south. Consequently, there are no residential dwellings abutting the property. However, Shubie Park is located immediately across Highway No. 118 and adjacent to the park are residential dwellings. The nearest residential dwelling is located approximately 500 metres from the edge of the C&D facility which is over 8 times the setback (60 metres) distance required under HRM's C&D License By-law. The other nearest dwellings are located in Landcaster Ridge (approximately 2 kms away). Due to the location of the facility within the quarry, it will be adequately screened from Highway No. 118 and the surrounding residential areas.

Residents have indicated that they can hear equipment operating in the quarry now and that the proposed facility will worsen the current situation. To address noise concerns, the proposed facility will be located within a quarried portion of the site which is approximately 18 metres below grade. Thus, noise generated by the facility (ie trucks and grinders) will be restricted by the quarry walls. In regard to dust concerns, the applicant has indicated that it would implement dust control measures which are required under By-law L-200. To further reduce noise, dust, and visibility concerns, Metro Construction is proposing not to disturb any vegetation outside the quarried area which will result in a buffer zone large than required under the C&D License By-law and the Land Use By-law.

Appearance and Buffering/Screening

In addition to the existing weigh scales, the facility would accommodate a single storey structure, 21 metres by 42 metres, which will be used to sort and process C&D materials. The structure will be located within a quarried portion of the site. Thus, the facility would not be seen from Highway No. 118 or Shubie Park.

The proposed facility will be able to stockpile material at the processing and disposal areas. In terms of the processing area, HRM License By-law places restrictions on the size, location, and height of stockpiles. Based upon the restrictions of the By-law, the separation distance from the nearest resident, and the location of the stockpiles within the quarried area, the proposed storage areas will have minimal impact on surrounding properties.

Other Matters

Metro Construction wish to operate a used building supply operation on the property to sell recyclable and reusable C&D material that arrives at the facility (see Map 3). The use would be permitted on the site under the CD-3 Zone as a use accessory to a processing operation.

Due to the size and uses on the property, the applicant does not want to apply the CD-3 Zone to the entire parcel of land. Instead, Metro Construction has requested that only a portion of the property be rezoned. However, the applicant only wants to rezone the area immediately around the disposal area which does not cover a large enough area (excludes the settling pond and the area along Highway No. 118) to meet all requirements if the area was subdivided off. Despite the area proposed to be rezoned by the applicant, the entire property does contain enough area to meet the requirements. Map 3 indicates the area staff believes is required to meet all the proposed requirements.

Land Use By-law Amendments

(CD-3 Zone)

On the basis of the area to be rezoned on Map 3, this proposal has been evaluated to determine if it meets the requirements of the CD-3 (C&D Material Disposal Facility) Zone as follows:

Zone Requirements:

- exceeds the minimum lot area and frontage and yard (side and rear) setbacks
- below the maximum lot coverage and height of buildings

Separation Requirements:

- facility exceeds the minimum separation distance from a property line, residential dwelling, and institutional use
- no building or structure will be located within 60 metres of a watercourse

General Requirements:

- satisfies requirements regarding landscaping, side, rear, or front yard setbacks, access requirements, and location of operation
- facility will be required to show how it intends to meet the operating standards regarding noise, odours, and discharge of waste material or the permit for the facility before a permit is issued.

Site Plan Approval:

- see below

Site Plan Approval Considerations

The site plan submitted for the development was reviewed by Development Service. Based upon the submitted site plan, Development Services could not determine whether or not the plan could be considered under the site plan approval process. Consequently, a revised plan will be required which provides more information on such items as setbacks, property boundaries and adjacent uses, key plan, extent of existing vegetation, etc.

Provincial Requirements

The Department of the Environment has indicated that the information submitted with the proposal is considered insufficient to determine an acceptable level of protection to the natural environment. In order for the Department of the Environment and Labour to make a recommendation on the proposal, additional detailed information is required.

In addition to the lack of information, Department of the Environment has raised a serious concern with the development in regards to blasting. Under the proposal, the quarry will continue to operate and a section of the quarry will be blasted to create two of the disposal cells. The impact of blasting on the disposal liner raises serious concerns regarding contamination. Consequently, the Department of the Environment has requested that a blasting assessment be conducted. Thus, staff are recommending that until the assessment is complete, Council should defer it's decision on Metro Construction's request.

Another issue raised by the Department of the Environment is the existing stockpile of C&D material now site. The Department of the Environment and Labour and HRM want to see the stockpile to be aggressively reclaimed (by 2004 as required under By-law L-200). Further, the Department has issued an environmental warning to the property owner for the disposal of C&D debris at the quarry without the appropriate approvals.

APPENDIX 3A:
ADDITIONAL MPS AND LUB AMENDMENTS TO ACCOMMODATE METRO
CONSTRUCTION'S SUBMISSION⁸

The Municipal Planning Strategy for Dartmouth is hereby amended as follows:

1. Insert new preamble and policy immediately following Policy SW-12 as follows:

"Metro Construction Debris Recycling Ltd.

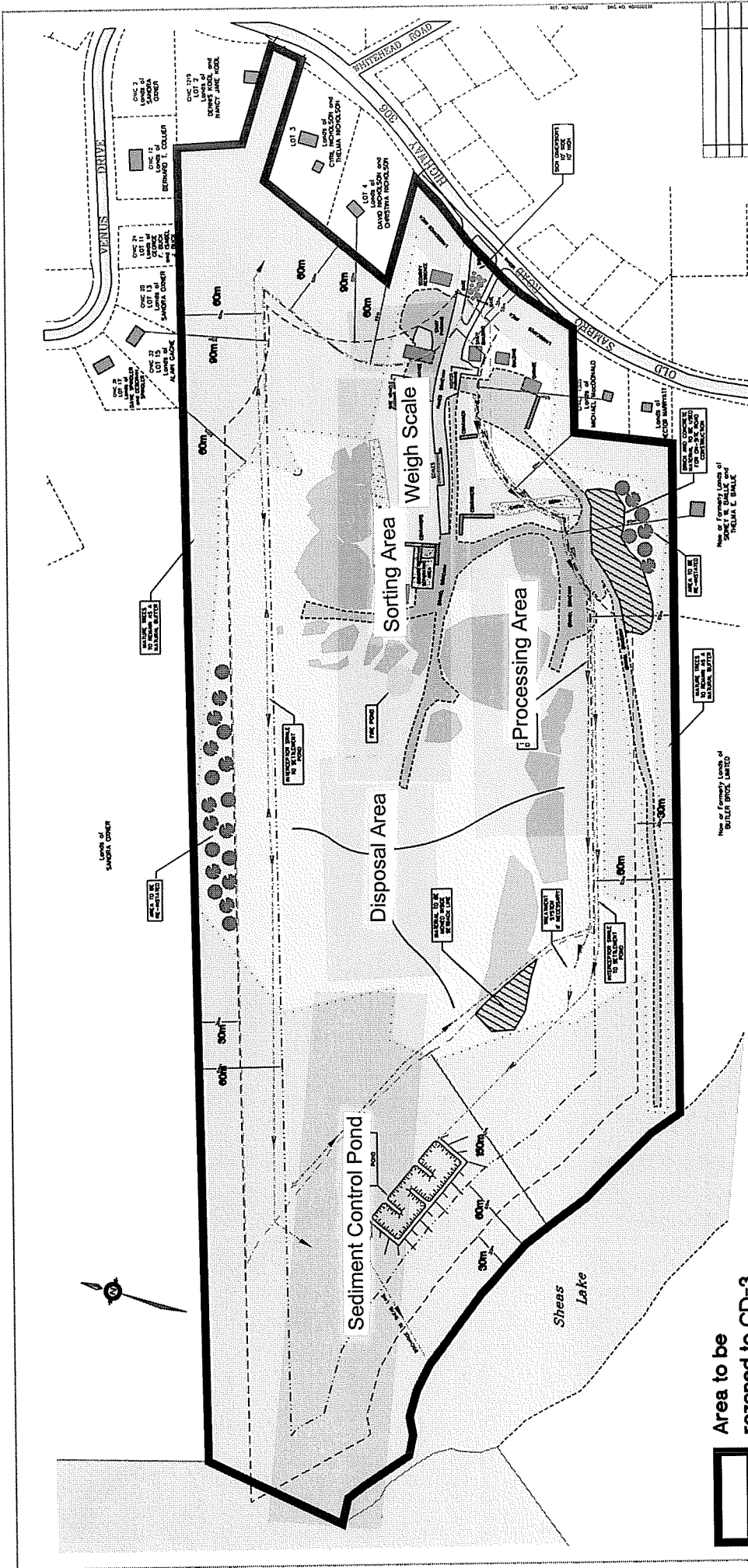
Metro Construction Debris Recycling Ltd. wants to establish a processing and disposal operation in the Whebby quarry located off Highway No. 118. Due to the use of the site as an industrial use for a number of years and zoned accordingly, the operation is consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in industrial areas . The facility will assist HRM in implementing it's C&D Waste Management Strategy which encourages operations to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can't be recycled. Thus, Council support Metro Constructions proposal for a C&D processing and disposal site at the Whebby quarry off Highway No. 118, Dartmouth.

SW-13 Notwithstanding Policy SW-8, Council shall apply the CD-3 Zone to that portion of the Whebby quarry property (PID# 00258806), Dartmouth required to meet municipal requirements and approvals for the operation of a C&D processing and disposal facility on the property."

The Land Use By-law for Dartmouth is hereby amended as follows:

1. Amend the zoning on a portion of the Whebby quarry property (PID# 00258806), Dartmouth from I-2 (General Industrial) to CD-3 (Materials Disposal Sites) Zone as shown on Map 3 attached to this report.

⁸NOTE: If deemed necessary and appropriate by Regional Council



Area to be rezoned to CD-3

- EXISTING VEGETATION WITHIN THE SETBACK AREA IS TO REMAIN OR BE ENHANCED.
- DRIVEWAY GATES TO BE CONTROLLED BY SITE PERSONNEL & KEPT LOCKED AFTER HOURS.
- STORM WATER RUNOFF WITHIN THE ACTIVE AREA TO BE DIRECTED TO THE SEDIMENT CONTROL POND, PRIOR TO ENTERING SHEARS LAKE.
- ALL MATERIAL IS TO BE KEPT WITHIN THE SETBACKS OF THE CD-3 ZONE H.R.M. BY-LAW L-200 & N.S.D.O.E.L. GUIDELINES.
- HOURS OF OPERATION IN ACCORDANCE WITH H.R.M. BY-LAW L-200 ARE AS FOLLOWS:
 MONDAY TO FRIDAY 7:00 am TO 8:00 pm
 SATURDAY 7:00 am TO 5:00 pm
 SUNDAYS CLOSED
 HOLIDAYS CLOSED
- EXISTING STOCKPILES OUTSIDE THE SETBACK LINE ARE TO BE MOVED INSIDE UPON CONSTRUCTION OF THE CELL.
- WHERE THE ABUTTING LAND USE IS RESIDENTIAL AND EXISTING VEGETATION IS LESS THAN 50m, PROPERTY OWNER TO BE CONTACTED TO DISCUSS A SUITABLE BUFFER

- DISPOSAL AREA (AS PER NSDOEL REGULATIONS)**
- 50m FROM NEAREST OFF-SITE STRUCTURE
 - 50m FROM NEAREST PROPERTY LINE
 - 50m FROM NEAREST HIGH WATER MARK OF ANY BODY OF WATER
- ACTIVE DISPOSAL AREA (AS PER H.R.M. BY-LAW L-200)**
- 50m FROM NEAREST NON-RESIDENTIAL PROPERTY LINE
 - 60m FROM NEAREST RESIDENTIAL PROPERTY LINE
 - 100m FROM A WATERCOURSE
- REQUIRED SETBACK LINE (AS PER CD-3 ZONE REQUIREMENTS)**
- 50m FROM ANY PROPERTY LINE ABUTTING A RESIDENTIAL USE OR ZONE
 - 50m FROM NEAREST RESIDENTIAL DWELLING / RESIDENTIAL USE
 - 50m FROM A WATERCOURSE
- EXISTING STOCKPILES**

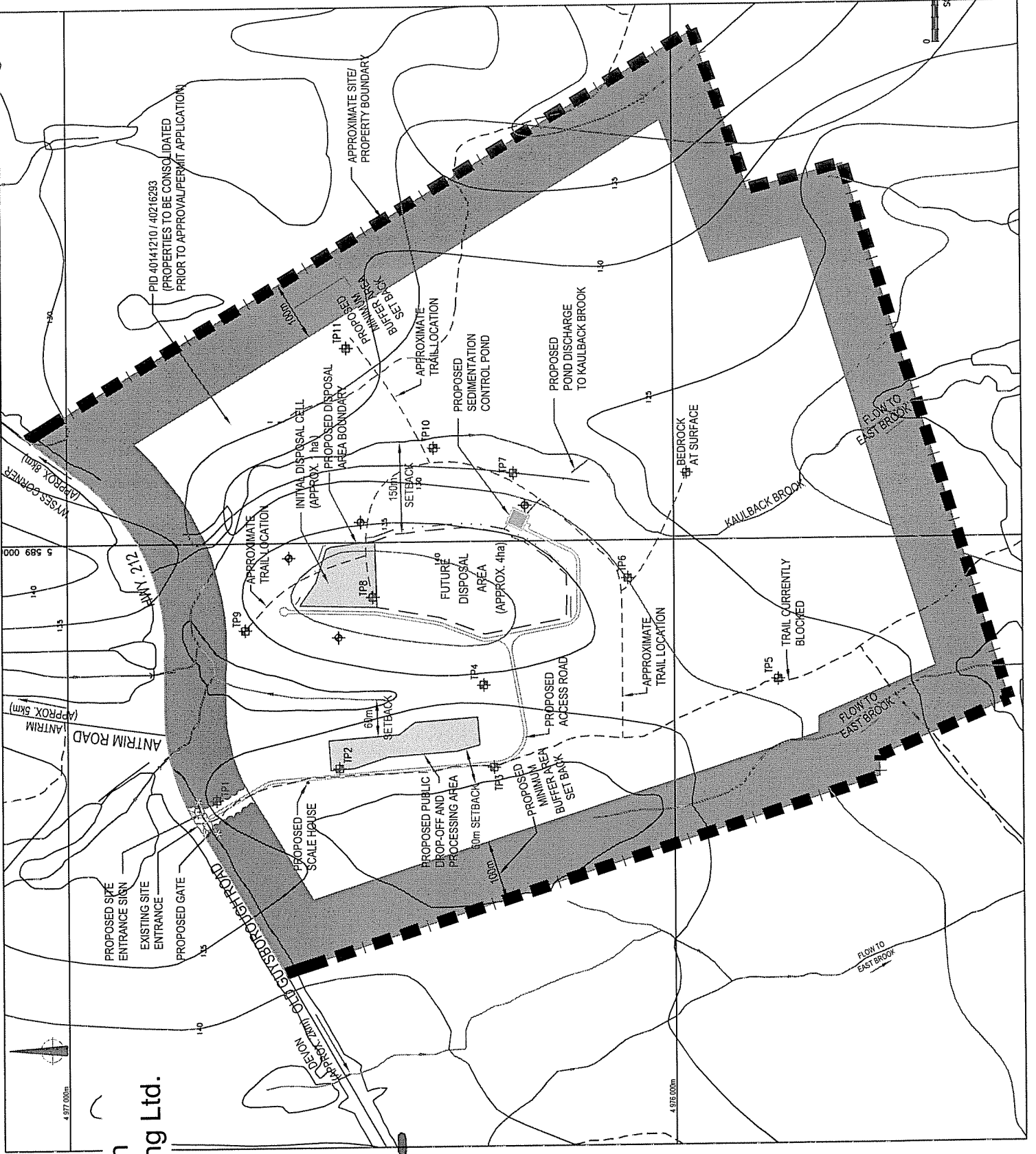
NO.	DESCRIPTION	DATE
1	PREPARED BY THE ARCHITECT, ENGINEER & LANDSCAPE ARCHITECT	
2	FOR THE CLIENT	
3	FOR THE CLIENT	
4	FOR THE CLIENT	
5	FOR THE CLIENT	

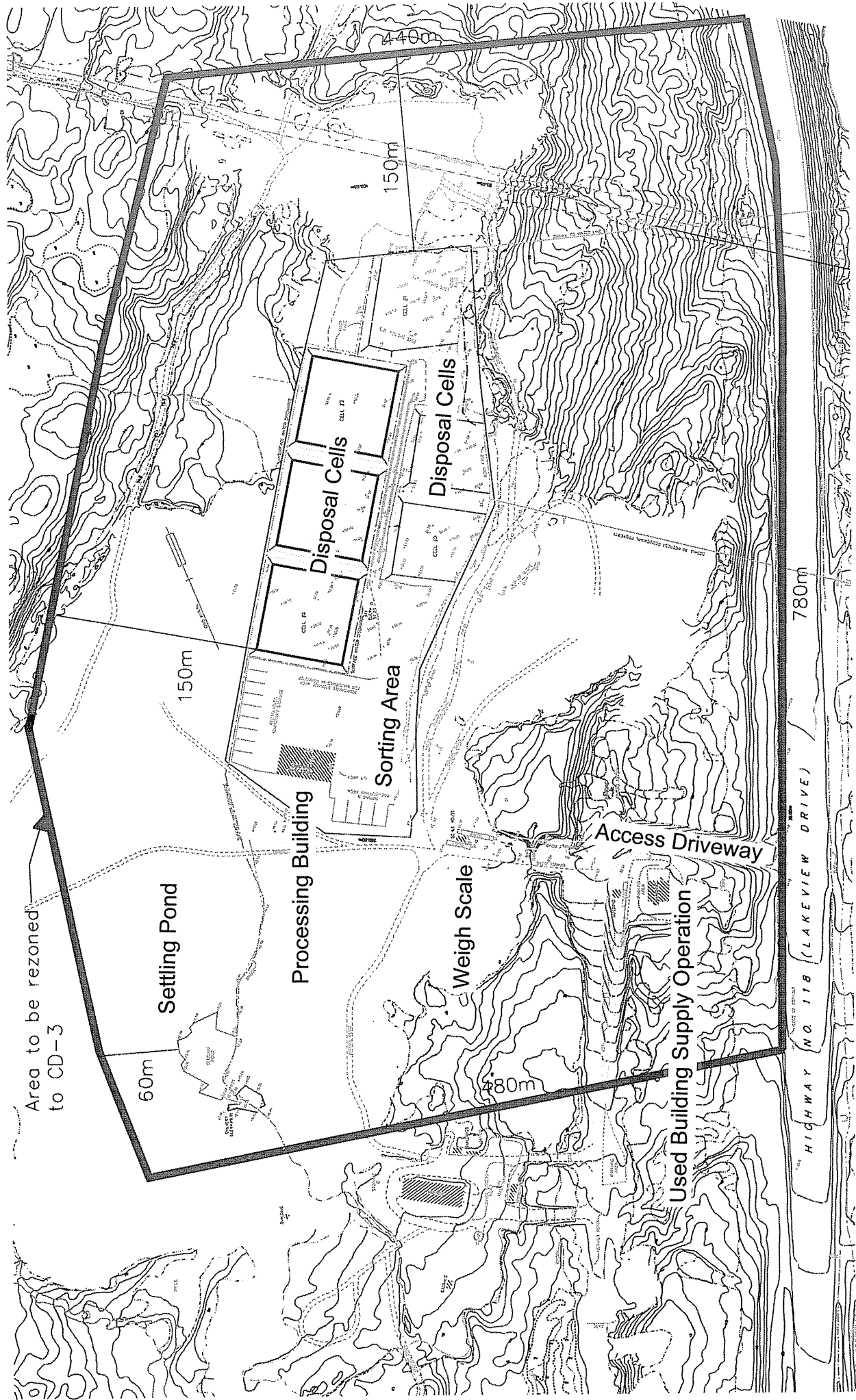
<p>Whitehead Recycling 10000 Shears Road, Unit 10 Shears, Ontario L0R 1R0 Tel: (905) 881-1111 Fax: (905) 881-1112 Email: info@whiteheadrecycling.com</p> <p>Paragon 10000 Shears Road, Unit 10 Shears, Ontario L0R 1R0 Tel: (905) 881-1111 Fax: (905) 881-1112 Email: info@paragonrecycling.com</p>	PROJECT RDM RECYCLING
SHEET DESCRIPTION RDM RECYCLING SITE PLAN	SHEET NO. 1 OF 1

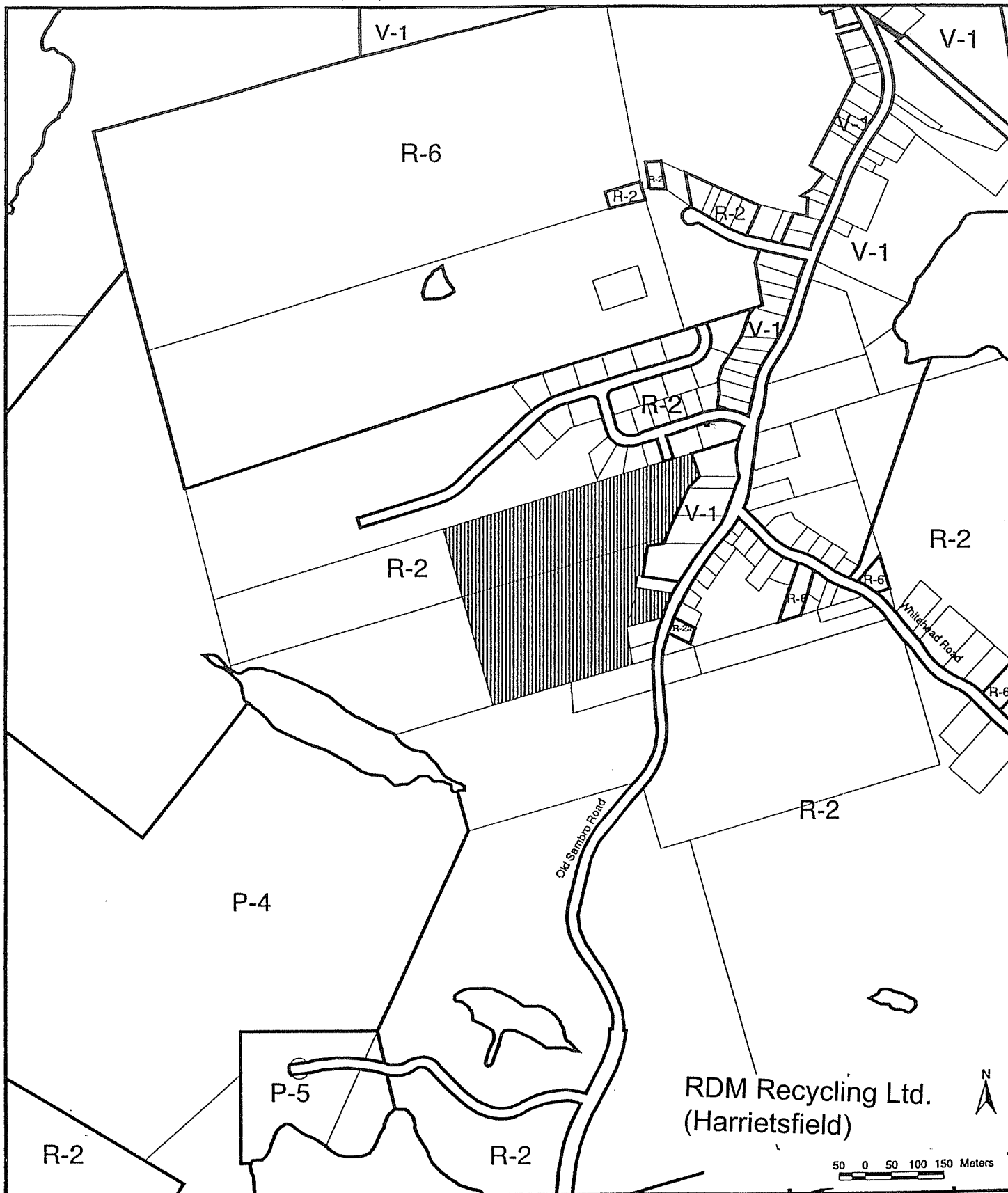
Halifax Construction and Debris Recycling Ltd.

Site Plan


Area to Be Rezoned to CD-3





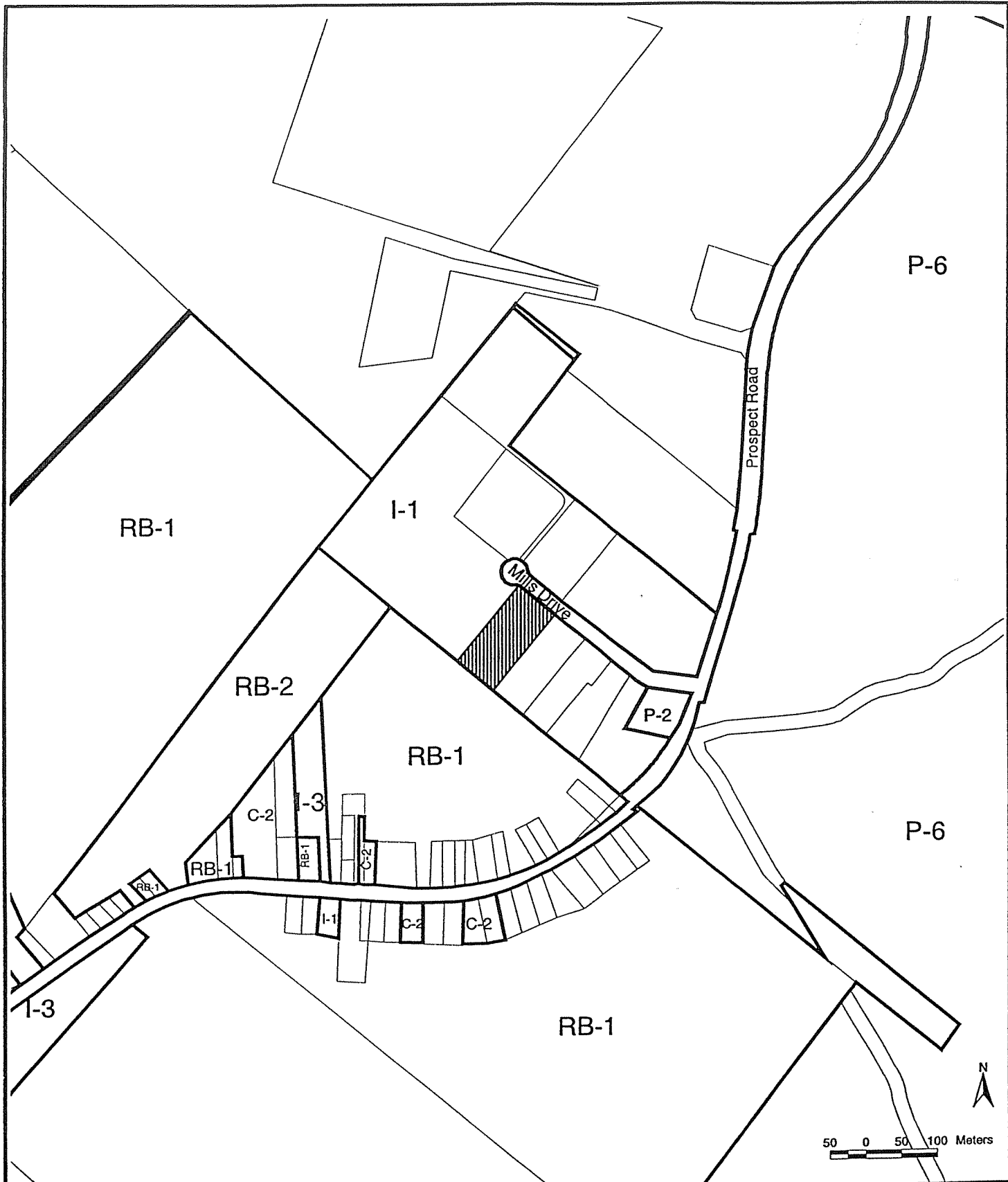


Map 5
Existing C & D Facility


 Area to be rezoned from R-2 to CD-2

- R-2 Two Unit Dwelling
- R-2a Residential Home Occupation
- R-6 Rural Residential
- V-1 Harrietsfield Village Centre
- P-4 Conservation





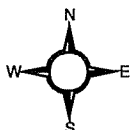
Map 4
Existing C & D Facility

 Area to be rezoned from I-1 to CD-2

- RB-1 (Residential B-1) Zone
- RB-2 (Residential B-2) Zone
- C-2 (General Business) Zone
- I-1 (Light Industry) Zone
- I-3 (Local Service) Zone
- P-2 (Community Facility) Zone
- P-6 (Park) Zone

Halifax C&D Ltd.
(Goodwood)





Map 6 Area to be Rezoned I-1 to CD-1

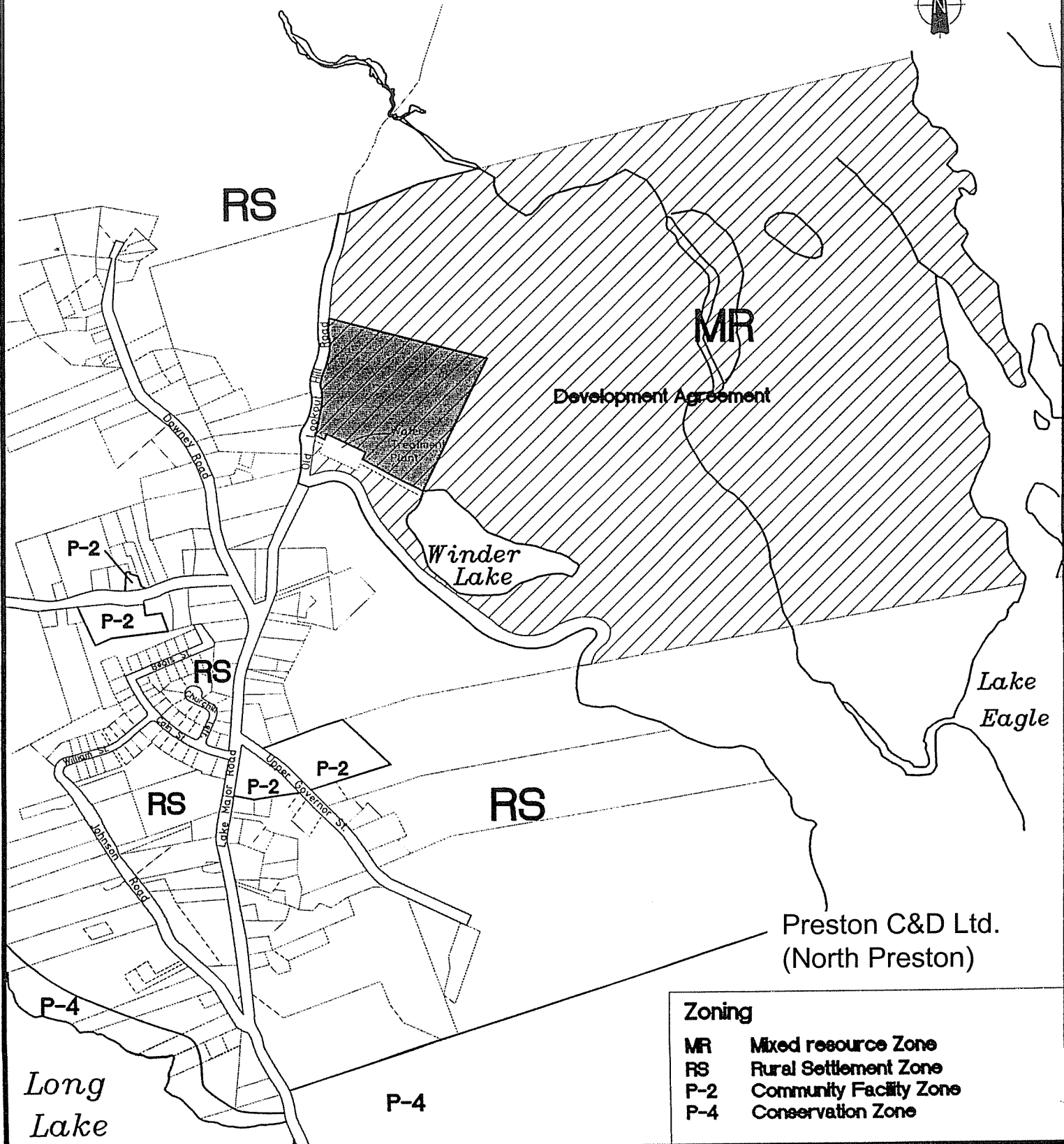
188 Ross Road

Existing C&D Facility

70 0 70 Kilometers



North Preston, Lake Major, Lake Loon/Cherry Brook and Eastern Preston Plan Area



Preston C&D Ltd.
(North Preston)

Zoning

- MR Mixed resource Zone
- RS Rural Settlement Zone
- P-2 Community Facility Zone
- P-4 Conservation Zone

Area to be rezoned from MR to CD-2

Map 7 Existing C + D Facility