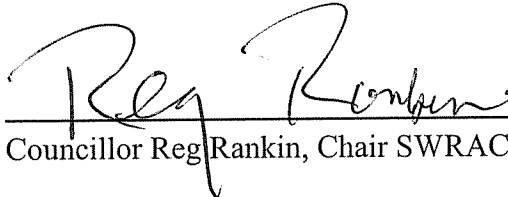




Halifax Regional Council
November 12, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Reg Rankin, Chair SWRAC

DATE: November 5, 2002

SUBJECT: Application - Metro Construction Debris Ltd. for CD-3

ORIGIN

On July 9, 2002, Regional Council deferred a request made by Metro Construction Debris Ltd. to apply a CD-3 (C&D Disposal) Zone to its property on Lakeview Drive, Dartmouth, pending receipt of additional information.

The matter was referred to Solid Waste/Resources Advisory Committee (SWRAC), and on October 10, 2002, SWRAC recommended that Council extend the deadline for submission of information to support a completed application to six months from the date of deferral by Regional Council.

RECOMMENDATION

Solid Waste/Resources Advisory Committee recommends that:

Metro Construction Debris Ltd be notified that a completed application containing sufficient information to evaluate the company's request to apply a CD-3 (C&D Disposal) Zone on its property on Lakeview Drive, Dartmouth be submitted *no later than 4:30 p.m., Thursday, January 9, 2003.*

BACKGROUND

On July 9, 2002, Regional Council deferred a request made by Metro Construction Debris Ltd. to apply a CD-3 (C&D Disposal) Zone to its property on Lakeview Drive, Dartmouth, pending receipt of additional information. The request was made as part of the region-wide process to amend municipal planning strategies in order to implement a Regional C&D Waste Strategy. Council's decision to defer was made on the basis of insufficient information from the proponent to enable a staff evaluation and recommendation on the proposal to be made to Council.

The matter was referred to SWRAC for a recommendation. On October 10, 2002, SWRAC recommended that Council extend the deadline for submission of information to support a completed application to six months from the date of deferral by Regional Council.

DISCUSSION

Nearly four months have elapsed since Council's deferral of Metro Construction Debris Ltd's request for consideration as part of the overall package of planning strategy amendments. Staff have been in contact with the proponent on several occasions to determine when additional information can be expected. The information required to complete an assessment of the request has not been provided to date.

At the October 10, 2002, SWRAC meeting, the following motion was adopted:

"Recommendation to Council that the deadline for submission of a complete application from Metro Construction Debris Ltd. be six months from the date of deferral by Regional Council (i.e., July 9, 2002)."

There is no specified policy concerning an appropriate time frame in which additional information related to a matter deferred by Council should be provided. Council, therefore, has the discretion to establish a deadline based on what it considers to be reasonable. SWRAC, in consultation with staff, views the deadline of January 9, 2003 for submission of information sufficient needed to complete an evaluation of this request to be reasonable.

Should Metro Construction Debris Ltd. provide sufficient information by January 9, 2003, then a staff report and recommendation concerning a public hearing would be submitted to Regional Council. Since the proposal is currently part of the MPS amendment process intended to implement the Regional C&D Strategy, the application would be heard by Regional Council and any decision to approve or reject the proposed MPS amendments would not be subject to appeal to the NS Utility and Review Board.

Should the required information not be submitted prior to the deadline, then the proposal would be void. Any subsequent proposal to consider a C&D operation(s) on the property would be required to proceed, subject to a rezoning. An application for rezoning would be evaluated under C&D

related policies recently adopted by Regional Council for the Dartmouth MPS. Rezoning applications are heard by Community Councils and decisions to approve or reject such applications are subject to appeal to the NS Utility and Review Board.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

Regional Council could set a deadline for the receipt of a complete submission from Metro Construction Debris Ltd. which is greater or less than six months from the deferral on July 9, 2002.

This is not recommended.

ATTACHMENTS

Attachments:

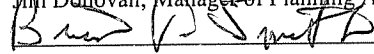
N/A

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.

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Report Approved by:


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