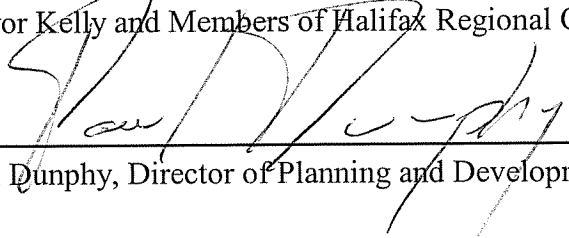


Halifax Regional Council
October 27, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: October 23, 2003

SUBJECT: Update on C&D Disposal Sites

INFORMATION REPORT

ORIGIN

- In 2002, Regional Council adopted a Construction and Demolition (C&D) Waste Management Strategy for HRM which included the designation of two sites for the disposal of construction and demolition materials.
- On September 26, 2003, the Development Officer approved the site plan for Halifax C&D disposal site in Antrim.
- On October 6 and 9, 2003, two adjacent property owners appealed the Development Officer's decision and the appeal period expired on October 13, 2003.

DISCUSSION

Appeal of Site Plan Approval

The appeal of Halifax C&D site plan must be heard by Marine Drive, Valley, and Canal (MVC) Community Council but the Council is unable to hear the appeal until:

- after municipal elections for Electoral Districts 2 and 3 are held on November 8, 2003; and
- new councillors are sworn in on November 25, 2003.

Thus, MVC Community Council will not be able to hear the appeal until mid-December at the earliest and possibly as late as early January, 2004.

Halifax C&D wish to proceed through the process as soon as possible in order to comply with the C&D License By-law which requires C&D materials stockpiled before the adoption of the Strategy to be recycled or buried before September 2004. By delaying the process until mid-December, the window of opportunity to construct the disposal facility becomes much smaller due to the onset of winter and spring conditions. In addition, it's in the Municipality's interest to see the C&D Strategy implemented as quickly as possible. Until a C&D disposal site is approved and operating, C&D materials will continue to be stockpiled throughout HRM.

Community Council

To avoid this delay, Regional Council could temporarily dissolve the MVC Community Council. Regional Council could then hear the appeal and make a decision. Regional Council could subsequently re-establish the Community Council.

If Regional Council wishes to temporarily dissolve the MVC Community Council, Council must:

- give "Notice of Motion" to dissolve the MVC Community Council(October 28, 2003)
- hold debate and vote (November 4, 2003); and
- hear the appeal of Halifax C&D's site plan (November 18, 2003)

The above process would allow Halifax C&D's appeal to be heard at least three weeks before Community Council would be able to hear the appeal.

BUDGET IMPLICATIONS

N/A

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 can decide:

- i) not to deal with the appeal of Halifax C&D's site plan approval (in this case the appeal will be heard after the by-elections); or
- ii) to hear the appeal of Halifax C&D's site plan approval (in order to do this Regional Council would have to temporarily dissolve the MVC Community Council).

ATTACHMENTS

Attachment 1: Brief Update on Proposed C&D Disposal Sites

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, Planning Services 490-4428

Attachment 1
Brief Update on Proposed C&D Disposal Sites

Regional Council applied the CD-3 Zone to two sites (Halifax C&D - Antrim and RDM Recycling - Harrietsfield) knowing that both sites could not occur until four additional approvals are obtained. These are:

Municipal Approvals

- 1) Development Permits confirming compliance with the CD-3 Zone, including Site Plan Approval, which can be appealed to the Community Council;
- 2) A license pursuant to the C&D License Bylaw addressing issues such as insurance coverage, operations plans and fire/emergency plans etc.;

Provincial Approvals

- 3) Provincial Environment staff must review the application; and
- 4) A recommendation is made to the Minister of the Environment and Labour who makes the final decision.

Neither site has successfully obtained all of the required approvals as outlined below:

Steps	Halifax C&D -Antrim	RDM Recycling - Harrietsfield
Development Services Approval	<i>Site Plan Appealed: awaiting decision of Community Council</i>	Development Permit Issued (Site Plan Approved)
C&D License By-law	<i>Awaiting Development Services Approval</i>	License Issued
Dept. of the Environment - Staff Review	Completed	Completed
Minister of Environment - Decision	Approved	<i>Awaiting Provincial Approval</i>

Of the two sites, only the RDM site has received municipal approvals. RDM has not yet received provincial approval. On the contrary, Halifax C&D has received all provincial approvals but is awaiting municipal approvals (ie. Development Permit and a C&D License).