

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.1

Halifax Regional Council

October 29, 2019

November 12, 2019

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

DATE: October 15, 2019

SUBJECT: Port Wallace Secondary Planning Process and Environmental Investigation Near Barry's Run

ORIGIN

On March 27, 2018, Regional Council passed the following motion:

1. *THAT Regional Council direct staff to:*

(c) report back to Council with further information from Nova Scotia Environment regarding development activity in the vicinity of Barry's Run.

On December 4, 2018, Regional Council passed the following motion:

THAT Halifax Regional Council direct staff to:

- 1. Conduct an environmental assessment of the HRM-owned lands along Barry's Run and Mitchell's Brook that would form part of the proposed Port Wallace development PID 41301789 and 41376898) (See Attachment A of the staff report dated November 19, 2018, Figure 3.5.1 of the WSP Land Suitability Analysis, generally shown as Area F); and*
- 2. Report the findings of the environmental assessment work to Regional Council prior to returning to them with a final recommendation report for the Port Wallace Secondary Plan project.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to:

1. Direct staff to proceed with the Port Wallace Secondary Planning work plan, as outlined in the Discussion section of this report, and return to Council for direction on the secondary planning process after Nova Scotia Land Inc. completes the risk assessment and management plan for the

Recommendation continued on next page

former Montague Gold Mines site, including the Municipally-owned lands surrounding Barry's Run and any other third-party impacted lands located within the secondary planning study area.

2. Initiate a process to consider amendments to applicable secondary municipal planning strategies and land use by-laws to enable industrial and highway commercial development on the Conrad Quarry lands, consistent with the policy direction outlined within the Discussion section of this report and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

BACKGROUND

The 2014 Regional Plan identifies Port Wallace as one of three potential new communities located inside the Urban Settlement Designation that, within the life of the Regional Plan (2031), could be serviced with municipal wastewater and water services. The community design is subject to a secondary planning process involving extensive study, public engagement and Regional Council approval. Council initiated the Port Wallace Secondary Planning process in March 2014.

Barry's Run is a watercourse and wetland/bog system that runs roughly through the centre of the Port Wallace Secondary Planning study area. The Municipality owns land surrounding Barry's Run and the area has long been known to be impacted by the former Montague Gold Mine site, which is located several hundred metres upstream. In December 2018, Council directed staff to conduct an Environmental Site Assessment of the Municipally-owned lands located along Barry's Run and report back to Council prior to completing the secondary planning process. The following sections outline the context of the Barry's Run environmental review and the overall status of the Port Wallace Secondary Planning process.

Barry's Run Environmental Review

In 1976, the former City of Dartmouth acquired land along Barry's Run (Subject Site) that once formed part of the control structures for the Shubenacadie Canal (Map 1). There is a history of gold mining to the northeast and upstream of Barry's Run in the Montague Mines area. This area is known to have significant levels of arsenic and mercury contamination from mine tailings. The Province of Nova Scotia (Department of Lands and Forestry) is the current landowner of much of the former mine site. Mine tailings were historically discharged into Mitchell's Brook, which flows to wetlands at Barry's Run.

In 2016, a Land Suitability Analysis (LSA) was completed to assess the environmental and cultural assets of the Port Wallace study area. The LSA included a desktop review of potential contaminated sites and highlighted past research that found high concentrations of arsenic in well water as well as stream waters, stream sediments, ashed alder twigs and the waters that flow into Barry's Run. The LSA field investigation found tailings of significant size and strong metallic odour at the historic Montague Gold district located east of the secondary planning study area. The LSA identified Barry's Run as totally constrained for development, given the contamination risks and the area's value as a wetland, wildlife corridor, and cultural landscape.

In March 2018, Regional Council considered the results of the Port Wallace Master Infrastructure Study, which evaluated the cost of providing municipal services to the Port Wallace Secondary Plan study area. The Study identified a preferred community concept design and the associated infrastructure upgrades as a basis for allocating capital costs between developers and the Municipality, and for preparing land use planning documents. Based on the LSA, the preferred concept design avoids any development on Barry's Run, but did identify an important collector road crossing and proposed adjacent park space and recreational trails. Given the potential environmental risks, Regional Council directed staff to consult with Nova Scotia Environment about potential development activity next to Barry's Run and report back to Council with the information while continuing to proceed with other components of the secondary planning process.

In December 2018, Regional Council directed staff to conduct an Environmental Site Assessment of the Municipally-owned lands along Barry's Run after being informed by Nova Scotia Environment that a Phase II Environmental Site Assessment would likely be required. The Discussion section of this report outlines the results of this Environmental Site Assessment.

Port Wallace Secondary Planning Process

Port Wallace was first identified in planning documents as one of several potential greenfield development areas within the 2006 version of the Regional Plan based on the potential low cost of providing municipal services. Given this policy direction, the Municipality completed studies needed to assess the costs and feasibility of enabling urban development in the area, including:

- The Cost of Servicing Plan: Regional Planning Greenfield Sites (CBCL Ltd., February 2009), which reviewed the costs of providing services to a number of potential greenfield development sites; and
- The Shubenacadie Lakes Subwatershed Study (AECOM, April 2013) which reviewed the health of the lakes system and concluded that Port Wallace could be developed while maintaining acceptable lake water quality provided that stormwater is effectively managed.

In March 2014, Regional Council formally initiated the Port Wallace Secondary Planning process to assess the site in greater detail, prepare infrastructure plans, engage the community, and ultimately prepare land use planning documents and infrastructure costs charges for Council's consideration. The following summarizes the key secondary planning milestones completed to date.

- The Port Wallace Public Participate Committee (PPC) was formed in 2014 to provide feedback to staff and consultants on various studies, guide community engagements and make recommendations on planning documents to the North West Community Council and the Harbour East Marine Drive Community Council. The PPC consists of 8 members who are residents of the Port Wallace community and have been meeting on an as needed basis since 2014.
- In 2016, a Land Suitability Analysis (WSP, Feb. 2016) was completed to assess the environmental and cultural assets of the site.
- In 2016, Council directed staff to include the Conrad Quarry lands (residential and industrial areas) in the Secondary Planning process.
- In March 2018, Regional Council considered the Master Infrastructure Study (CBCL, Jan. 2018) and directed staff to prepare a capital cost contribution study and proceed with preparing secondary planning documents based on the preferred concept identified through the Study.
- In September, 2018, draft Secondary Municipal Planning Strategy (SMPS) and Land Use- By-law (LUB) amendments were presented to the PPC and project stakeholders for review and feedback.
- In December 2018, Regional Council directed staff to conduct an Environmental Site Assessment of the Municipally-owned lands along Barry's Run.

Staff have been continuing to advance the secondary planning process in a number of areas while awaiting the results of the Environmental Site Assessment. This on-going project work includes:

- revisions to draft SMPS and LUB documents in response to PPC and stakeholder comments and internal reviews;
- design and consultation work, in cooperation with Halifax Water, related to the utility corridor crossing through the Municipality-owned Shubie Park, Highway 118 and the provincially-owned Shubenacadie Canal; and
- reviewing infrastructure costs, density allocation and related Capital Cost Contributions.

DISCUSSION

In August, 2019, the Municipality received the results of the [Environmental Site Assessment¹](#) (ESA) carried out for the Municipally-owned lands located along Barry's Run. The ESA sampled the subject site and found

¹ Report available on line at <https://www.halifax.ca/sites/default/files/documents/about-the-city/energy-environment/Phase%20I-II%20ESA%20Port%20Wallace%20Report%20FINAL.pdf>

high levels of arsenic in the river channel sediments (mud) at levels that may pose risks to humans and the environment. These study results confirmed that the subject site is contaminated with mine tailings from the former Montague Gold Mine site and, therefore, included in the Province's Montague Mine closure process as a third-party impacted site. Given the study results and uncertainty associated with the mine closure process, staff recommend that Council direct staff to work with the Province to ensure that environmental risks are thoroughly studied and managed.

The following summarizes the findings of the Environmental Site Assessment, outlines the former Montague Gold Mine closure process, and discusses the implications to the Port Wallace Secondary Planning process.

Environmental Site Assessment Results

The Municipality retained Dillon Consulting Limited (Dillon) to conduct a Phase I/II Environmental Site Assessment (ESA) for the Municipality-owned properties located along Barry's Run (Map 1). The Phase I ESA historical review demonstrated that there is contamination in sediment and surface water due to historic mining activities up stream of the subject site at the former Montague Gold Mines. Given the findings of the Phase I ESA, a Phase II ESA was completed to provide information on sediment contamination, general distribution, and metal concentrations in surface water. Sediments were obtained using several sampling techniques. In addition, the organic deposits (i.e., bog/fen complex), which is found along the sides of Barry's Run was manually probed to determine the depth of the organic material and potential presence of deeper underlying contaminated sediments.

The lab results from the sediment samples demonstrated that the bog/fen has been evolving over thousands of years and that the sediment underlying it are typical of the local geology. Sediments in the channel were found to be contaminated by heavy metals (arsenic and mercury), both in the more recent organic deposits as well as the underlying sediments made up mainly of mine tailings. Historic information and remaining structures at the outflow to Barry's Run indicate there was once a dam present that may have been used to either control flows or flood the bog/fen area to capture tailings, possibly up to the edge of the existing treeline. Although not part of this Phase II ESA scope, it is possible that tailings may have contaminated the surface vegetation root zone of the bog/fen if historic flooding occurred, creating additional potential human health and ecological risks. Due to the shallow water depths near the upstream brook areas, additional human or ecological health risks may be associated with sediments if they are disturbed by activities such as fishing, wading or the use of ATVs. Local residents also fish within the subject site and this may represent a human health issue if fish are consumed.

Although the Phase II ESA was not meant to fully delineate or calculate volumes of contaminated material, the study made several conclusions and recommendations. As Nova Scotia Lands Inc. (NS Lands) is currently conducting a study to assess the upstream former Montague Gold Mines and tailings, the study recommended that any final risk controls or management for the subject site be coordinated with the outcomes of the mine study to provide an overall/consistent risk control framework. Additional information is required to confirm whether environmental risks are present, and include:

- additional sampling for contaminants in the near surface organics/peat from the bog/fen complex;
- information on the types of ecological receptors present onsite and their habitats (i.e. insects, amphibians, fish, etc.);
- details of site-specific risk-based criteria currently being developed for the Montague Mines sites as part of the closure plan by NS Lands; and,
- the methods being considered for the Closure plan (remediation) of properties that are "off Crown lands" included in the ongoing Montague Mines closure study. The HRM site is considered "off Crown lands" by NS Lands.

Based on Dillon's understanding of the subject site, including the subject site's current uses and proposed future residential development on adjacent properties, the following exposure scenarios and receptor pathways are likely applicable:

- children playing in the bog/fen complex for recreational purposes;
- children playing in shallow portions of Mitchell's Brook for recreational purposes (fishing, walking their dog, etc.);
- fishing activities and fish consumption; and
- impacts to ecological receptors (insects, fish, birds, etc.).

Until further information is known about potential risks to human health and ecological receptors, access to the subject site for recreational use and fishing should be carefully evaluated. A risk assessment is recommended to obtain data concerning potential risks to human health and ecological receptors. Pending the results of a risk assessment, a risk management plan that incorporates appropriate engineering and administrative controls is recommended. In August staff issued a risk advisory including, notices to surrounding residences, land owners, and placed signage on the Barry's run site to ensure potential risks were communicated².

As part of the assessment, Dr. Ian Spooner from Acadia University conducted a supplemental study of the sediments to detail metal concentration distribution with depth (top 300mm sediment layer) in Barry's Run and Lake Charles. The study found evidence to suggest that, while there may have been a historic period where Barry's Run was recovering, there are now near surface sediments with arsenic concentrations similar to old tailing deposits. This provides evidence that the fen is still acting as a catch basin for arsenic impacted tailings originating in upstream areas (Montague Gold Mine) and that these materials continue to move into Barry's Run. The upper sediment layers of Barry's Run are very fine with a mix of organic and clay-size particle that can be easily mobilized if disturbed. The proposed development on the properties adjacent to the subject site has the potential to change stormwater flow volumes and increase the mobilization of tailings.

The groundwater hydrology of the subject site was not assessed as part of this study. However, the stability of the bog/fen complex is likely susceptible to changing hydrology on adjacent lands. For the potential future development of adjacent properties, the assessment notes the need to consider buffer zones to maintain stability of the bog/fen complex. Any increase in stormwater flows from potential development located adjacent to the subject site should be prohibited unless it can be demonstrated to not disrupt the bog/fen complex integrity or mobilize more tailings into or through the system.

The initial findings for Lake Charles do provide evidence that lakebed sediments with arsenic impacted tailings from the 1900's are now being covered by new cleaner material, with arsenic concentrations similar to those prior to the operation of the Montague Gold mine or urban development.

Montague Gold Mine Closure Plans

The Province of Nova Scotia owns the former Montague Mine site, which is currently in the process of preparing a detailed closure plan through Nova Scotia Lands Inc. NS Lands have retained environmental consultants and recently booked an environmental liability of \$48 million for their two major mine site clean ups. This closure will include engineered structures and a site management plan. NS Lands is first concentrating on the heavily contaminated tailings on crown land, then moving out to lesser contaminated areas on crown land and finally to areas that have been contaminated that are not on crown land. This will be a 5 to 10-year process with the Municipally-owned Barry's Run lands being considered near the end of the closure process.

NS Lands will complete a risk assessment to obtain data concerning potential risks to human health and ecological receptors. A risk management plan will then be prepared that implements appropriate engineering and administrative controls. As a large and complex wetland, it is unlikely that NS Lands will recommend excavation of contaminated material from Barry's Run as part of its closure plan.

As required by the provincial Contaminated Sites Regulations, Dillon has submitted a notification of contamination to Nova Scotia Environment, as the subject site is considered a third party impacted property.

² <https://www.halifax.ca/about-halifax/energy-environment/lakes-rivers/barrys-run-risk-advisory>

As a third party, the Municipality is not responsible for the site's clean up. This has triggered the NSE contaminated sites protocols and gives the source property owners (NS Lands and Forestry) 18 months to close the NSE file for the subject site, with the possibility for multiple extensions. The timelines for the NSE protocols and the NS Lands closure plans do not currently align. Further discussions with NS Lands is needed to better understand their specific next steps and timelines.

Port Wallace Secondary Planning Process

As outlined in the Background section of this report, the Port Wallace Secondary Planning process has completed several steps and studies needed to understand the land's suitability for development, prepare concept plans, and identify infrastructure costs. Through such planning processes, development concepts are subject to change as more detailed information becomes available. In this case, staff advise that the recently completed Environmental Site Assessment provides new information about environmental risks that raises serious questions about the draft policies and plans prepared to date.

The Municipality, land owners and area residents are aware of the environmental sensitivity of Barry's Run and its potential to contain contaminated materials. The 2016 Land Suitability Assessment and all subsequent concept plans have identified Barry's Run as a no development area that should be retained in a natural state. The 2013 Watershed Study also stressed the importance of advanced storm water management controls. However, this avoidance and storm water management strategy may not be adequate given the now confirmed presence of arsenic and mercury in the river channel sediments and the potential for these materials to become mobilized. Barry's Run and its associated bog/fen is a complex and sensitive system and any changes to the natural system caused by adjacent development could risk mobilizing the contamination.

Barry's Run flows into Lake Charles, which is part of the headwaters of the Shubenacadie River system and is a source of drinking water for East Hants and several small water treatment plants owned and/or operated by Halifax Water. Halifax Water has previously raised concerns regarding the potential impacts to the water supply that might arise from disturbing lands/contaminants during development. This risk is further highlighted by the Environmental Site Assessment results that shows that Barry's Run is still acting as a catch basin for arsenic impacted tailings originating from upstream areas.

Given this new information, staff advise that it is not possible to ensure that the proposed Port Wallace development will not negatively impact human or environmental health until more information is known about the risks and management strategies that are being prepared through the former Montague Gold Mine closure process. The mine closure plan may have significant impacts on the proposed community design, including changes to the proposed parkland and trails system, road network, and location of development, which currently incorporate Barry's Run into the community design as an accessible natural asset. The closure plan may require extensive natural buffers that could fundamentally impact the proposed community design and even the overall feasibility of the development. Given this context, the following outlines the proposed workplan for the Port Wallace Secondary Planning process that is designed to continue to advance some technical components of the projects and ensure that environmental risks are thoroughly studied and managed.

1. NS Lands Mine Closure Process

As outlined in the preceding section, NS Lands is currently in the process of preparing a detailed closure plan for the former Montague Mine site, which includes the municipality-owned lands surrounding Barry's Run and any other third-party impacted lands. While NS Lands is responsible for studying risks and preparing management plans, the Municipality will support this work by sharing information and providing access to Municipal lands. Staff will also work with Halifax Water and project stakeholders to ensure that the risk assessment and management plans consider the Port Wallace development concepts prepared to date. Once the risk assessment and management plans are complete, staff will return to Council for direction on the secondary planning process. Based on the information provided by NS Lands, staff advise that it may take several years to complete the risk assessment and management plans.

2. Land Use Policies and Regulations

As previously directed by Council, staff have prepared draft SMPS and LUB documents based on the preferred community concept design identified in the master infrastructure study. While these planning documents are largely complete, staff cannot finish the drafting process until more information on environmental risks and management strategies are available through the NS Lands mine closure process. This information may impact the overall community design, including the proposed location of roads, parkland and development. Staff will return to Council to review the implications to draft planning documents after NS Lands completes its environmental risk assessment and management plan.

3. Capital Cost Contributions

Similar to draft planning documents, staff have advanced capital cost contribution work as much as possible while awaiting the results of the environmental reviews. Capital cost contributions are needed to allocate capital costs for shared infrastructure between developers, Halifax Water and the Municipality, and rely on land use plans to fairly distribute development densities and associated infrastructure costs between landowners. Consequently, no further work on capital cost contributions can be completed until the draft secondary planning documents are updated to incorporate the environmental management strategies being prepared through the NS Lands mine closure process.

4. Shubie Park Utility Corridor

In order to support additional growth in the Port Wallace area, a new wastewater force main connection is required through Shubie Park and the Shubenacadie Canal. As the area is environmentally and culturally sensitive with significant construction constraints, staff have been working with Halifax Water, other utilities and the Province to advance utility corridor designs and clarify the provincial approvals required. The proposed utility corridor crosses over both HRM and Provincial parkland. The Nova Scotia Department of Lands and Forestry, which is responsible for the Canal, has indicated that its approval process may take up to two-years to complete and will require consultations with Mi'kmaq communities.

Staff advise that work related to the Shubie Park Utility Corridor can continue to be advanced as the design of the utility corridor is not related to the NS Lands mine closure process. This will enable the lengthy mine closure and Canal crossing approval processes to proceed in parallel. Should Council approve this direction, staff are prepared to return to Council to outline proposed utility corridor designs, impacts to HRM parkland, and next steps.

5. Public Engagement

Public and stakeholder consultations will be carried out by NS Lands as part of the Montague Mine closure process. Consultations will also be required as part of the Provincial approval process for the Shubenacadie Canal crossing. However, since secondary planning documents cannot be advanced, staff will not schedule PPC meetings or carry-out further public engagement activities until the Municipality incorporates the results of the mine closure process into draft SMPS and LUB documents. This will avoid any confusion between the NS Lands mine closure process and HRM's secondary planning project.

Staff acknowledge that the secondary planning process has already taken longer than initially advertised to PPC members and, as the environmental studies may take some time to complete, staff will provide PPC members with the opportunity to step down from the committee. Once the planning policy work recommences, staff will revisit committee membership and, as needed, advertise for any vacant positions. In addition, public engagement activities will be reviewed when Council considers the outcome of the mine closure process.

Conrad Quarry Lands

The proposal to enable industrial and highway commercial developments on the Conrad Quarry lands (Map 1) was previously considered by Council through a separate planning process (Case 20800). In March 2018, Council folded the proposal into the secondary planning process to provide further opportunities for public engagement and review. These lands, however, are located outside of the Barry's Run sub-watershed and could be developed without interfering with the mine closure process. Given the Conrad Quarry lands existing industrial uses, proximity to the 100 series highway, and the work already completed,

staff recommend that Council initiate a new MPS amendment process, independent of the secondary planning process, to consider industrial and highway commercial uses on the Conrad Quarry lands. This will enable Council to consider the Conrad Quarry lands in the near term, independently from the larger secondary planning process and needed environmental reviews, which may take some time to complete. In recognition of the feedback and work completed to date, staff recommend that the planning review be guided by the following policy direction.

1. only consider on-site serviced development (well and septic), with any consideration of central water and sewer services continued to be considered through the Port Wallace Secondary Planning process;
2. use the draft industrial-commercial, and general industrial zones, presented to the PPC for comment in September 2018, as the starting point for further reviews and public engagement;
3. require buffering between new industrial development and adjacent residential areas;
4. require advanced storm water management practices to be employed ; and
5. coordinate the drafting of SMPS and LUB amendments with the Burnside rezoning project and Plan and By-law Simplification Program.

Conclusion

Secondary planning processes for the development of large greenfield access are uncertain by design to ensure that development proposals consider and respond to a wide variety of environmental, cultural and financial information. In this case, the Environmental Site Assessment completed for the Municipally-owned Barry's Run lands together with new information about the NS Lands Montague Mine closure process raises new public health and environmental risks that may impact the overall design and feasibility of the proposed development. More study is needed through the NS Lands mine closure process to better understand the risks and recommended management strategies. Given this context, staff recommend that Council direct staff to continue to advance the proposed Shubie Park utility corridor, while working with the Province to ensure that environmental risks are thoroughly studied and managed.

While the Conrad Quarry lands are currently part of the Port Wallace Secondary Planning process, these lands are located outside of the Barry's run sub-watershed and could be developed without impacting the mine closure process. Given the extensive work already completed, staff recommend that Council initiate an SMPS amendment process to consider industrial and highway commercial uses on the Conrad Quarry lands.

FINANCIAL IMPLICATIONS

The former Montague Gold Mine site is owned by the Province of Nova Scotia and is known to be the source of contamination. The Municipally-owned Barry's Run lands are considered a third-party impacted site under the provincial Contaminated Sites Regulations and, therefore, the Province is responsible for conducting the needed studies and management plans. Any sharing of information needed to support the mine closure process can be carried out with existing staff resources.

There are limited financial implications associated with designing the Shubie Park utility corridor as design work will be funded by Halifax Water and/or Port Wallace developers and any needed technical support from HRM can be carried out with existing staff resources. Further information on utility corridor costs will be discussed in a subsequent staff report.

RISK CONSIDERATION

The recommendations contained in this report seek to minimize risks to human and environmental health related to the proposed Port Wallace development. Until a risk assessment and management plan is completed by NS Lands, staff advise that it is not possible to advance planning policy work and ensure that the proposed development will not negatively impact human or environmental health.

COMMUNITY ENGAGEMENT

Environmental Site Assessment

As public safety is a primary concern of the Municipality, in August 2019, staff informed area residents and land owners about the potential health risks identified in the ESA. These communications included:

- making a public service announcement;
- publishing a webpage containing the Environmental Site Assessment and FAQs;
- placing advisory signs on Municipally-owned lands;
- mailing letters to nearby residents and land owners; and
- informing all land owners involved in the Port Wallace Secondary Planning process; and
- informing the Port Wallace Public Participation Committee (PPC).

In addition, NS Lands indicates that it plans to carry out public consultations as part of the Montague Mine closure process.

Secondary Planning Process

The Port Wallace Secondary Planning process has involved a significant amount of community engagement. Specific engagement activities that have been completed include:

- an initial community workshop (June 2014);
- open houses to receive feedback on the LSA (May 2016);
- open house/meeting to receive feedback on initial development concepts (Nov 2016); and
- regular feedback from the Public Participation Committee on all aspects of the project (2014 – 2019).

Should Council support the proposed secondary planning workplan, no further community engagement will be carried out until NS Lands completes the mine closure process and Council provides direction on the secondary planning process.

Conrad Quarry Lands

Area residents were previously engaged on the proposal to allow industrial and highway commercial developments on the Conrad Quarry lands through a separate project file (Case 20800). This community engagement included providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to nearby property owners and a public information meeting held on January 25, 2017. Additional public feedback was obtained at the public hearing held on March 27, 2018 as well as subsequent Port Wallace PPC meetings.

Should Regional Council choose to initiate the MPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting held early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the affected SMPs will potentially impact the following stakeholders: neighboring residents and businesses.

ENVIRONMENTAL IMPLICATIONS

This report provides information on contamination found in the Municipally-owned lands located along Barry's Run and the associated risks to human and environment health.

ALTERNATIVES

Regional Council may choose to direct the CAO to:

Secondary Planning Process

1. Consult the Port Wallace community and Public Participation Committee (PPC) about the information and recommendations contained in this report and return to Council with the public feedback before Council makes any decisions about the secondary planning process.
2. Suspend the Port Wallace Secondary Planning process, including work related to the Shubie Park utility corridor, and report back to Council for direction on the secondary planning process after Nova Scotia Land Inc. completes the risk assessment and management plan for the former Montague Gold Mines site, including the Municipally-owned lands surrounding Barry's Run and any other third-party impacted lands located within the secondary planning study area.

Conrad Quarry Lands

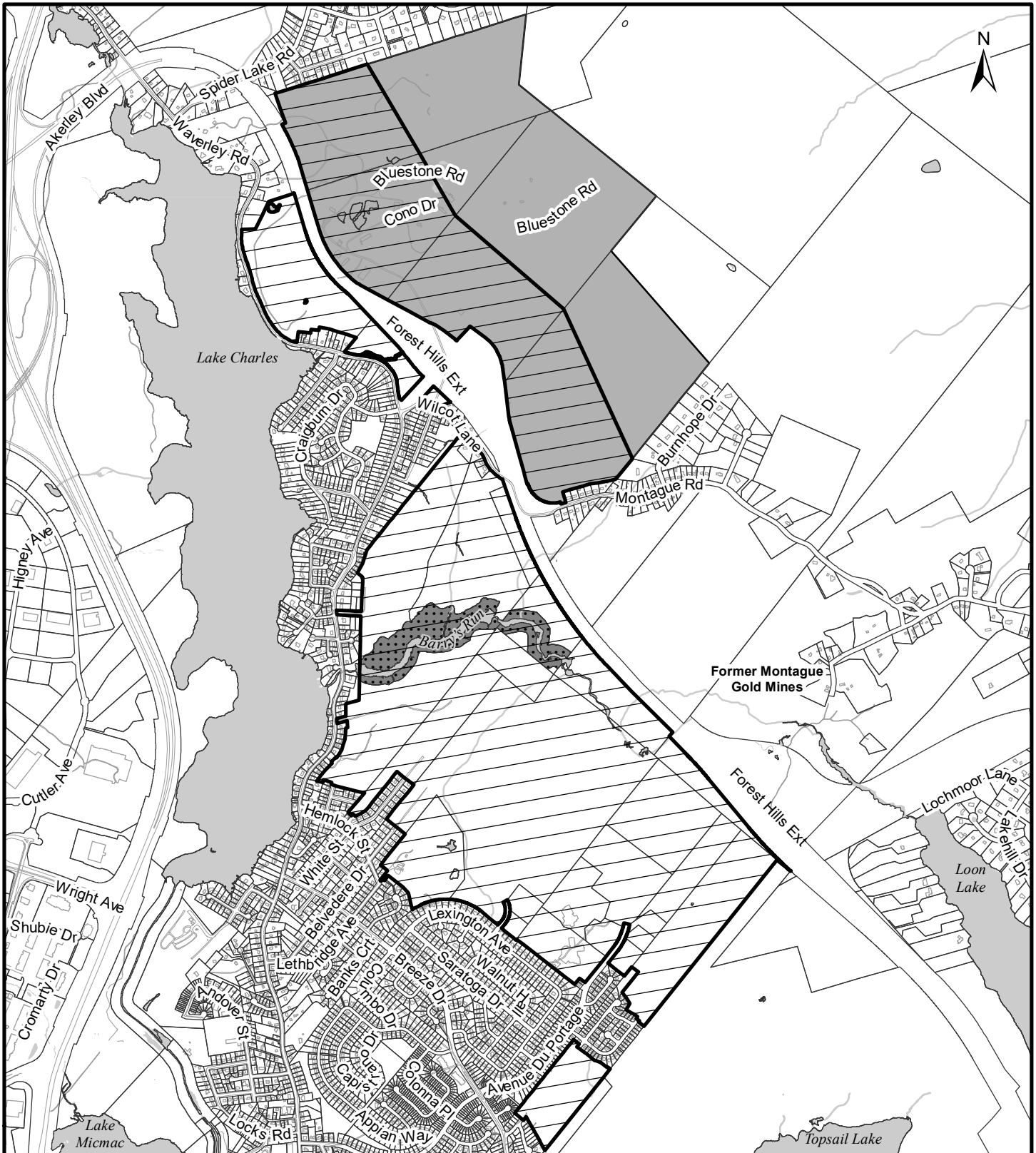
1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the applicable secondary municipal planning strategies is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the HRM Charter.

ATTACHMENTS

Map 1 Municipality-owned Barry's Run lands

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.




Report Prepared by: Jim Hunter, Environmental Performance Officer, 902.292.3111
Ben Sivak, Principal Planner, 902.292.4563

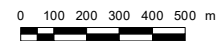


Map 1

Barry's Run,
Port Wallace

HALIFAX

-  Subject Area
-  Port Wallace Secondary Planning Study Boundary
-  Conrad Quarry Lands



The accuracy of any representation on this plan is not guaranteed.