



MINUTES
ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (ACES)
MEETING HELD ON WEDNESDAY, 2012-JUN-13 AT 4:30 PM
AT THE NANAIMO MUSEUM (100 MUSEUM WAY)

Members Present:	Anne Kerr Diane Brennan, Chair Michele Patterson Sheri DeBoer	Suzanne Andre Ted Perry Wally Wells
Members Absent:	Shelley Serebrin Calvin Tant	Snuneymuxw First Nation Rep Michael Schellinck
Staff:	Rob Lawrance, Environmental Planner	Rebecca Tubbs, Recording Secretary

1. Call to Order

Chair D. Brennan called the meeting to order at 4:33 pm.

2. Approval of Agenda & Late Items

The agenda was approved as presented.

3. Adoption of Minutes (2012-MAY-09)

It was moved and seconded that the 2012-MAY-09 Minutes be adopted as amended below:

Item 9A) ~~Donation~~ Payment to Museum for Use of Meeting Space

The motion was carried.

4. Items Arising from Minutes

- a) Meeting with the Parks Canada representative regarding National Marine Conservation Area (NMCA):
R. Lawrance reported that a date for this meeting has not yet been set. A staff member from Cowichan Valley Regional District (CVRD) attended a meeting, hosted by Parks Canada, on the NMCA. During the meeting, according to the staff person from the CVRD, questions were raised about the location of the proposed boundary and the need for further consultation with outlying communities.

5. Budget

6. Delegations

7. Correspondence, Handouts, Notices

- a) Recommendations of the Provincial Special Committee on Cosmetic Pesticides:
R. Lawrance explained that the special committee on cosmetic pesticides is a provincial committee with members from both sides of the legislature and was enacted to review the Province's role in the regulation of cosmetic pesticides. Recommendations from the committee have come forward, which R. Lawrance forwarded to ACES members via email prior to the meeting. In essence, the recommendations do not support a comprehensive ban, but instead make adjustments to access of commercial class pesticides, focusing on education/training for point-of-sale retailers and nurseries.

ACES members noted that clarification is needed for some of the recommendations, such as *“expand and enhance the provincial unwanted pesticide management program to facilitate the return of unwanted pesticide products”*. Does that involve the province providing funding for these programs? The Committee felt that the recommendations are not likely to be acted on by the Province until at least the next election.

b) News Article Re: Nanaimo Council Rejects Solar Measures for New Homes:

For information. Council decided not to proceed with a regulation that would require new construction to be pre-wired/plumbed for rooftop solar hot water panels. The development community raised their concern to Council, stating that such requirements would add to the total building cost and could soon become redundant (due to the rapid pace of changing technology and lightweight options).

In subsequent discussion, it was raised that too often Council is not provided with enough time to discuss issues like this in more depth. When issues go forward to Council, full and balanced discussions can be difficult. Council relies on staff to provide balanced information in its reports.

It was requested that Byron Gallant, Canadian Homebuilder's Association (CHA) be invited to attend a future ACES meeting to discuss the Built Green program, how the CHA views green building and design, and how the City can work with the CHA to enhance green building policy in future. As well, it was requested that a representative from a community (e.g. Campbell River) that has adopted solar measures, or some other advocate for solar measures, be invited to a future ACES meeting in order to provide balanced viewpoint.

It was moved and seconded that Byron Gallant, Canadian Homebuilder's Association, be invited to a future meeting to discuss the Built Green program and the CHA's views on green building and design in Nanaimo. The motion was carried.

The above correspondence was received as presented.

8. Ongoing Business

a) Proposed Changes to Section 35(1) of the Fisheries Act – Discuss council report:

At the last meeting it was requested that staff prepare a report regarding the proposed changes to habitat provisions in the *Fisheries Act* and how the changes could affect Nanaimo. How would these proposed changes relate (or not) to our local watercourse bylaws and regulations?

R. Lawrance explained that the City has in place predefined setbacks. The issue of “variances” is what comes into play. Part of the conditions of a development permit is to be compliant with the *Fisheries Act* as well as other Acts. Applicants need to provide a letter that states the project was approved by bodies such as the Department of Fisheries and Oceans (DFO). If that requirement changes in the *Fisheries Act*, it will affect the City of Nanaimo that way.

At this time, the overall impact of the changes on Nanaimo's regulatory processes and cost is unknown.

The Committee agreed that Council should be informed of the Committee's concerns and requested to approve a resolution to be submitted to the UBCM, and to approve correspondence informing local elected federal and provincial representatives. The deadline for UBCM resolutions is 2012-JUN-30.

The Committee suggested that the language in the report be strengthened where it mentions metro Vancouver's committee expressing negative opinions about the proposed changes. The report gives the impression that there will be little impact on the City of Nanaimo with the proposed changes – this starkly contrasts statements from other communities stating that such changes will have significant impact.

R. Lawrance agreed to apply the above-suggested changes to the report and will meet with the ACES subcommittee members to complete the report before sending it to management. An invitation will be sent to members via email after the meeting.

It was moved and seconded that the above-suggested changes be made to the report and that the following resolution be added and forwarded to Council for submission to the UBCM prior to the submission deadline of 2012-JUN-30:

RESOLVED that the City of Nanaimo request that the Government of Canada develop the new *Fisheries Act* policies and regulations in collaboration with all stakeholders, including local governments through the Union of British Columbia Municipalities (UBCM) and Federation of Canadian Municipalities (FCM), to ensure changes address municipal concerns and strengthen environment protection.

The motion was carried.

b) Watercourse Bylaw Tour - Debrief:

On Monday, staff held a special watercourse bylaw tour for ACES members (most of whom attended). In attendance was City staff Rob Lawrance (Environmental Planner), Kevin Brydges (Bylaw Enforcement), and Al Kemp (Urban Forrester), as well as Jean-Michel Hanssens from Harbour City River Stewards. The group toured several sites to review what happened during the development process and how watercourse bylaws and regulations came into effect. Members agreed that the tour was very helpful and informative and would benefit from more field tours in the future.

An issue that came up was that of variances. Some questions were raised about the frequency in which variances are granted in relation to all development applications surrounding watercourses. D. Brennan explained that Council cannot just deny a variance - when a residential lot is purchased, also purchased is the right to build. It is the responsibility of the developer to hire a Qualified Environment Professional (QEP) to do an assessment and make recommendations to Council. As long as the variance is approved by a QEP, Council approves it based on the QEP's professional standards, ethics and opinion.

It was noted that in the field, mitigation or compensation is common practice. If encroachment occurs, mitigation takes place elsewhere. How do we know that the mitigation or compensation taking place is sufficient compensation? It was suggested that ACES look at providing public education and awareness on this issue as a whole.

D. Brennan suggested that this item be discussed at the July meeting where R. Lawrance can provide some background information (when a QEP is required, the process, how the processes fit together, etc).

c) Invasive Plant Management Strategy - Update:

R. Lawrance is looking to set up a meeting in the next week or so to discuss some upcoming events on invasive plant management (one staff workshop and one public workshop). He is still looking to confirm dates and noted that funding will be required to hire a facilitator.

As well, R. Lawrance provided a draft copy of an online survey about invasive plants that he would like to have placed online at the end of the summer until fall. He asked members to review the proposed survey and send any comments or suggestions to him after the meeting.

9. New Business

10. Council Update

11. Next Meeting

The next regular meeting is scheduled for **2012-JUL-11 at 4:30 pm at the Nanaimo Museum.**

12. Adjournment

The meeting adjourned at 6:21 pm.

APPROVED:

Chair

Date