



MEMO

Planning and Development

Subject: *Memo Regarding Aquaculture Development Planning Applications in Municipality of the District of Yarmouth, Nova Scotia*

To: The Municipality of Argyle

Date Prepared: September 10, 2021

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Summary

The Municipality of Yarmouth (MODY) received two applications regarding aquaculture facilities. On behalf of the Municipality, WSP contacted MODY's retained planner for further information regarding the applications. Argyle Council has requested a summary of these applications given their interest from the broader community.

The [first application](#) is from Chegoggin Dyke Co-op Limited to establish a Lobster Holding Facility at 412 Chegoggin Point (PID 90169830). The facility will consist of an 80 ft x 80 ft steel building that will contain an office, storage, portable lobster holding tank, and freezer. To permit this new use, an amendment to the Land Use By-Law (rezoning) will be required. The application was presented to the Planning Advisory Committee on June 8, 2021. [A public hearing](#) date has been set for 6:00 pm on Wednesday September 22, 2021. Any written submission concerning the proposed amendment should be submitted to the Municipal Office at least two days before the Public Hearing.

The [second application](#) is from Boreal Salmon Inc., to develop a land-based salmon farm at Chebogue Point Road (PID 90298134, PID 90178484, and PID 90298134). To allow this operation within the Rural Development Zone as-of-right, a development agreement along with a concurrent amendment to Municipal Planning Strategy and Land Use By-Law will be required. For simplification of the review process, the enabling text of the Municipal Planning Strategy and Land Use By-Law amendment have been pulled out as a [separate recommendation and report](#) to enable a review of the broader policy mechanisms to review of applications of this type, rather than the specific proposal. Further information provided to MODY's PAC can be found on the [Planning Advisory Committee Agenda](#) for July 29th, 2021.

At that same July 29, 2021 meeting of the Municipality of the District of Yarmouth's Planning Advisory Committee (PAC), PAC motioned to create a learning plan for PAC regarding aquaculture specific to the Municipal Planning Strategy Amendments necessary for the two above applications to proceed due to PAC feeling a lack of sufficient information to make a recommendation to Council.

The *Fisheries and Coastal Resources Act* and the *Canadian Environmental Protection Act* regulate the operations of aquaculture facilities (such as species used, environmental impacts, etc.). The *Municipal Government Act* does not enable municipalities to have the level of enforcement regarding these matters; however, they can regulate the use and siting of buildings for aquaculture on a property. Our understanding is that the less time-intensive municipal approvals are being through the municipal approvals process in preparation for an application to the longer joint provincial/federal aquaculture approval process.

Aquaculture uses in this province are typically permitted as-of-right where most of the matters of regulatory concern are administered by other levels of government. Similar uses would be wind farms, cannabis production facilities, telecommunications towers, and aerodromes. For example, Argyle's Land Use By-law permits aquaculture facilities as-of-right in industrial zones to reflect this state of practice. This avoids confusion about the jurisdiction having authority, where most of the concerns for this type of use stem from environmental approvals, with the provincial and federal governments maintaining jurisdiction over those uses.

Both applications will require extensive public participation as per the adjudicative process for aquaculture license and lease applications; however, the engagement process requirements have yet to be established. A criterion of the joint provincial/federal aquaculture application process is to engage public stakeholders by hosting a public meeting prior to making a decision. An independent Aquaculture review board reviews all provincial/Federal applications.

If Council wishes to provide input to this process, staff would recommend drafting a letter to the Aquaculture Review Board on behalf of the Council of the Municipality of Argyle. If Council had concerns regarding the building design or placement of the proposed projects, those could be directed to the MODY as part of their municipal planning efforts.