

HALIFAX

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Item No. 14.1.9
Halifax Regional Council
June 20, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: May 29, 2017

SUBJECT: Lease Agreement – NS Dept. of Natural Resources, White Rock Park, River Road (Fourth Lake), Terence Bay

ORIGIN

- September 6, 2016 Halifax Regional Council motion:

(Item 14.1.11) “MOVED by Councillor Adams, seconded by Councillor Rankin, THAT Halifax Regional Council direct staff to undertake community consultation to determine community interest in re-establishing White Rock Park (alternately known as River Road Park) in Terence Bay”.
- October 27, 2015 Halifax Regional Council motion:

(Item 11.2.1) “MOVED by Councillor Adams, seconded by Councillor Hendsbee, THAT Halifax Regional Council request a staff report on negotiating a lease agreement with the Provincial Department of Natural Resources permitting HRM to lease the former White Rock Park lands on River Road (Fourth Lake), Terence Bay for \$1 per annum to re-establish the White Rock Community Park and Playground in Terence Bay and that this report return in 30 days”.

This Regional Council motion was a result of a motion at Halifax and West Community Council on October 14, 2015 (Item 13.1).

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section 61(5): The Municipality may: a) acquire property, including property outside the Municipality that the Municipality requires for its purposes for the use of the public.

RECOMMENDATION

It is recommended that Halifax Regional Council decline the request from the Provincial Department of Natural Resources for HRM to enter into a lease agreement for the former White Rock Park lands on River Road (Fourth Lake), Terence Bay.

BACKGROUND

Between 1989 and 2014, the Municipality leased a 10.2 hectare (25 acre) portion of lands on Fourth Lake, Terence Bay from the Province's Department of Natural Resources (DNR). This was formerly known as White Rock Park or River Road Park (Map 1). The park was once used as a freshwater beach for community aquatic programs, along with water access to Fourth Lake. Formal aquatic programs were discontinued approximately twenty years ago, but HRM continued to lease the land for informal water access until 2014. A playground once existed on the site, but was removed in 2007/08 due to vandalism.

The proposed beach at White Rock Park is located in an isolated area. The nearest resident lives approximately 1.5km (20 minute walk) from the beach. The site is currently used by the community for recreational boating and fishing with a boat launch located 200m down River Road. Some residents are also using the site as an off-leash dog park. The area hosts some informal activity and bonfires on the beach. Due to its seclusion and ease of access, White Rock Park experiences frequent illegal dumping including garbage, construction materials, and sometimes old vehicles.

In recent years, swimming for the Prospect/Terence Bay communities has tended to be focused towards Campbell Point Beach in Brookside. Due to the reduced recreational use of the site and the frequent illegal dumping, HRM formally notified DNR of its interest to terminate the lease. Under the lease commitments, HRM was responsible to remove the above mentioned debris at its cost. The lease was terminated in January 2014.

The Province has approached HRM to explore whether the Municipality would consider negotiating a new lease for this property. An August 12, 2016 staff report identified some merit to this, noting that there is limited freshwater swimming access on the Chebucto Peninsula. The recommendation to Regional Council was to undertake community consultation to determine the community's interest in the reestablishment of the park. This was approved by Regional Council on September 20, 2016.

DISCUSSION

Community Consultation

As directed by Regional Council, one afternoon and one evening community consultation session took place at the Prospect Road Community Centre on November 9, 2016. The meetings were advertised with signage in the community. In total, nine community residents attended the sessions. They were provided with an update regarding the proposal to reestablish the park and asked for input.

From the consultation, the following issues and ideas/vision were identified:

Issues

- Poor visibility from River Road
- Illegal dumping from vehicles off of River Road and ATV's
- Partying and subsequent smashing of glass bottles in grass and shoreline
- Tire fires
- ATV's destroying grass on site

Ideas/vision

- Clearing of trees to increase visibility from River Road
- Picnic tables and benches
- Clearly defined parking area
- Community decorated boulders to keep vehicles off green space and beach area
- Play equipment
- Community clean ups

- Community watches to decrease misuse of park

Overall, there was a desire of attendees to see a park redeveloped. It was noted that many people in the community are from the area and have opted to raise their families in the community. There is a sense of nostalgia with the former park and swimming area.

Provincial Lease

The Province has changed the structure of its lease agreements so the \$1 annual lease as outlined in the Regional Council motion is no longer possible. Instead, the lease value would be calculated based on a percentage (5%) of the appraised value of the land. DNR has not completed an appraisal of the subject land at the time of this report. The current fee structure for leases between DNR and Municipal governments is as follows:

One – time Administration Fee	\$747.83
Annual Rent (the greater of)	
(A.)	5% of the appraised market value of the land
(B.)	\$373.78

Therefore, the minimum annual lease cost would be \$373.78 with the maximum possible value being dependent on the appraisal of the property. While exact lease costs would need to be confirmed with a property appraisal, it has been estimated to be around \$400 per year, if the land was leased by the municipality. DNR has indicated that lease costs are significantly reduced if the property is leased by a not-for-profit group. Therefore, should Regional Council choose to direct staff to proceed with a lease of the site, greater-than-expected investment would be necessary to lease the land at White Rock Beach, in addition to ongoing maintenance.

Estimated Capital and Maintenance Costs

There are capital costs that would be associated with reopening the park. Those costs would be dependent on the amount and type of site improvements that would be required. Minimal improvements to access and safety, such as tree clearing to improve visibility, signage, and driveway and parking area upgrades, would be approximately \$15,000. If additional improvements were added, such as benches and playground features, the costs would be closer to \$65,000.

In addition, there are also expected annual maintenance costs. Regular maintenance of the site, including mowing, garbage collection and general maintenance of the amenities, would be approximately \$2,000 annually. Costs associated with illegal dumping and activities which were previous and current issues on the site would be in addition to regular maintenance and are difficult to estimate as they depend on the frequency and scale of the issues.

Findings

From the community consultation, there is interest in reestablishing the area for public access. However, based on the limited number of community members that attended the meeting or contacted HRM staff, it appears to be insufficient so as to warrant HRM's involvement in this at this time. Based on the past challenges of the site with illegal dumping and party activity, active community stewardship and informal policing would be critical to maintain a successful beach park at White Rock Park. Without that community support, it could be expected that the site would continue to experience challenges of illegal dumping and mischievous activities, which HRM would be responsible to address under a lease agreement. If sufficient interest were to be developed within the community, a model under which residents form an association and to apply to lease the lands directly from DNR might be favourable. Under such an arrangement, community members would look out for the park on more of a personal level than if it were leased and operated by HRM. The idea of forming a community association was raised at the community consultation meetings, and there appeared to be potential interest in that approach. Should a group be formed, HRM staff would be able to assist them in applying to the Province for a lease for the lands.

It is noted that with the property currently being owned by the Province of Nova Scotia, there is public access to the site. The request for HRM to renew the lease was intended to increase the amount of public usage of the site in order to reduce illegal dumping and activities. Due to the limited community interest, it does not appear that would be the case and under the lease agreement, HRM would then assume responsibility for cleanup and maintenance of the provincial lands. The property does not have to be leased by HRM for many of the ideas noted during the consultation to be achieved.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

Should Regional Council direct staff to negotiate a lease agreement with the Province, as noted, the minimum annual lease cost would be \$373.78. In addition, HRM would be responsible for capital costs, which could range from \$15,000 to \$65,000 depending on the scale of improvements to reinstate the park, as well as annual regular maintenance of the property of approximately \$2,000 per year and costs associated with additional maintenance as a result of any illegal dumping and activities, the amount which is dependent on the scale and frequency of those activities. No funding has been identified for this project in the 2017/18 or 2018/19 operating or capital budgets.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this Report. The risks considered rate Low. To reach this conclusion, consideration was given to the financial and operational risks. There is a risk that the area will no longer be available to the public for recreational purposes, but this risk is viewed as being low on the basis that the lands continue to be owned by the province.

The risks of entering into a lease agreement for the lands is actually a greater risk due to the current illegal activities and dumping that is occurring on the site, as HRM would assume responsibility for cleanup and maintenance of the site under a lease agreement.

COMMUNITY ENGAGEMENT

Community consultation occurred through an afternoon and evening meeting at the Prospect Road Community Centre on November 9, 2016. In addition, residents were invited to contact HRM staff regarding the proposal.

ENVIRONMENTAL IMPLICATIONS

The August 12, 2016 staff report noted that the presence of environmental contaminants on the previously leased land is presently unknown. An environmental assessment has not been provided by the Province. The conditions of the lease between the Province and a potential community association should include a full assessment of the land and water of the site.

ALTERNATIVES

Alternative 1. Regional Council may choose to direct staff to negotiate a lease with the Province and commence the redevelopment of the White Rock Beach Park. Should Council choose that option, it should further include a condition that the value of the lease be not more than \$1.00 since the Province is requesting HRM to consider leasing the property to resolve an issue. This alternative is not recommended for the reasons outlined in this report.

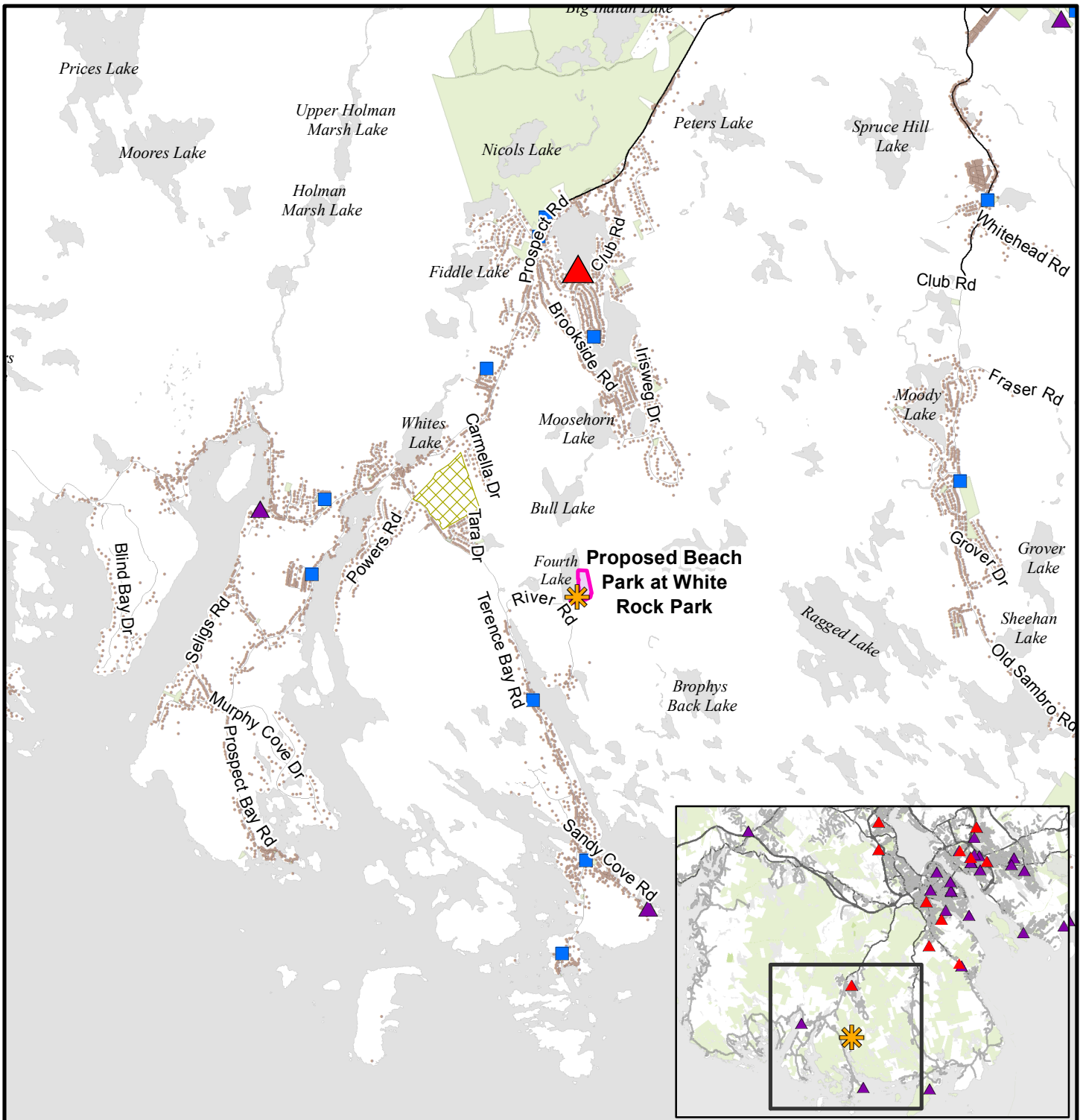
Alternative 2. Regional Council may choose to direct staff to work with the community to explore forming an association to apply to lease the lands as a non-profit organization at a reduced rate.

ATTACHMENTS

Map 1










A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Gareth Evans, Recreation Planning Specialist, Parks and Recreation 902.292.1264



Map 1 - Context

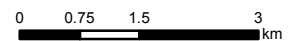
Council Report - Lease Agreement for White Rock Park
Terence Bay, NS

-  Proposed Freshwater Beach at White Rock Park
-  White Rock Beach Parcel
-  Supervised Freshwater Beaches
-  Future Potential Development of Whites Lake
-  Informal Unsupervised Swimming Access
-  HRM Parkland
-  Playgrounds
-  Lakes and Ocean
-  Residential Dwellings

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The accuracy of any representation on
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