


HALIFAX

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Item No. 14.1.11
Halifax Regional Council
September 6, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 12, 2016

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

ORIGIN

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 & 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 or for the use of the public.

RECOMMENDATION

It is recommended 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.

BACKGROUND

Between 1989 and 2014, the Municipality leased a 25 acre (10.2 hectare) 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 (Attachment A). 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 2007-8 due to vandalism. In recent years, swimming for the Prospect/Terence Bay communities has tended to be focused towards Campbell Point Beach in Brookside (Map 1).

The site is currently used by the community for recreational boating and fishing with a formalized 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 (Attachment B).

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. Therefore, upon completion of the site clean-up and formal consent, the lease was terminated in January 2014.

In recent months the Province has approached HRM to explore whether the Municipality would consider negotiating a new lease for this property, as referenced in the motion of Regional Council

DISCUSSION

Access to Municipal Swimming

The Municipality currently provides 23 supervised beaches and a number of informal water access points that allow swimming opportunities to residents. The supervised beaches are larger and easier to access, generally consist of a sandy, gradual entry to saltwater (3 beaches) or freshwater (20 beaches) co-located with on-site parking, washrooms/change facilities, and some grassy supportive space. All municipal beaches are supervised by lifeguards in the summer months.

For a coastal community surrounded by water, there is limited access to supervised swimming on the Chebucto Peninsula (Attachment C). The majority of shorelines are either inaccessible or privatized with land belonging to private residences and commercial properties. As such, there is demand for public freshwater access in the community. A community petition was created to "Bring Back [White Rock Beach]" in winter 2015. The petition has 225 signatures.

Municipal beaches are district-level facilities meant to serve multiple communities within a drive time of 10 to 15 minutes. The majority (84%) of HRM residents have access to a municipally guarded beach within a 15 minute drive (10km) of their homes. The closest opportunity for supervised freshwater swimming to the Prospect/Terence Bay community is at Campbell Point Beach (Attachment C). Approximately 42% of the Prospect/Terence Bay community is served within 10km (15 minute drive) of this beach. An additional facility at White Rock Beach may be warranted.

Demographics and Development

There are approximately 7,800 residents living within a 15 minute drive of the White Rock Beach site. This service area captures the entire district from Goodwood to Blind Bay (Map 1). Of this number, approximately 1,300 (17%) are children and youth which tends to be the target users for swimming access. However, water access can appeal to almost any age group.

The population of the Prospect/Terence Bay region has been stable for the past few years. An application for an Open Space Subdivision within 3 km of the proposed White Rock Beach was submitted in recent years, which proposed 68 new dwellings to the White's Lake community (Map 1). However, this subdivision was put on hold indefinitely by the developer. Future developments along the Prospect Road in Whites Lake might provide the opportunity for additional recreational opportunities at this site.

Site Suitability

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. This isolation benefits Fourth Lake as it is pristine and virtually untouched by surrounding development. However, it also creates challenges for the site.

Suitability for Beach and Park

Since HRM does not currently define standards for new beaches, siting criteria are instead borrowed from the National Recreation and Parks Association (NRPA).

The NRPA beach standards are as follows:

- Beach areas should have 50 sq. ft. of land and 50 square feet of water per intended user;
- Lake or ocean should have sandy bottom with slope maximum of 5 percent (flat is preferable) ; and,
- Boating areas should be completely segregated from swimming areas.

Additional actions which would be required to consider reinstatement of a municipal beach include:

- Water quality testing for a minimum of one full season; and,
- Investigation of the lake bottom to ensure safe and stable footing. There should not be any large/loose rocks, or underwater obstructions such as stumps.

The sandy shoreline of White Rock Beach is small, but similar in size to some other municipal beaches such as Kearney Lake and Chocolate Lake. There is a large grassy area behind the beach to support water-related activities. The lake bottom is sandy with a gradual slope under 5 percent (from visual inspection). HRM does not currently have data on the water quality or any potential underwater hazards that may impact swimming and/or boating. Water quality testing and assessment of potential underwater hazards would be necessary should Council choose to proceed with lease negotiations for this site.

One defining characteristic of the White Rock Beach site is its capability as a district-level beach facility. Where the majority of other municipal beaches are on small parcels bound by residential development, White Rock Beach is relatively unconstrained. There is enough supportive space to provide a parking area, washroom/changing facilities, and play areas for children. White Rock Beach is located within 30 minute drive of peninsular Halifax and could attract users from the districts of Halifax and West (Attachment C).

Impact on Municipal Beach System

A district beach at White Rock Park may be beneficial as a back-up facility for small municipal beaches under stress. Many are overcrowded with occasional closures due to water quality. This site is large and capable of hosting equivalent aquatic services, making it potentially complementary to the municipal beach system.

Suitability for a Playground

As a stand-alone, the site is not suitable exclusively for a neighbourhood or community playground. Prospect/Terence Bay residents are generally well served by five other playgrounds nearby (Map 1), so there is no immediate need. However, if White Rock Beach was leased by HRM for a district level beach, the value-add of a playground could be considered in the future.

CPTED Considerations

Two deterrents of the site are its current issues with undesirable and illegal activities, including dumping and vandalism. Upon site visit, evidence of beach bonfires, remnants of burnt tires, and scattered

household waste was found (Attachment B). A Crime Prevention Through Environmental Design (CPTED) audit of the site performed by the Halifax Regional Police revealed that these issues could be mitigated through improved access control and territorial reinforcement.

Specific CPTED-promoting actions could include:

- Establishing a clearly defined parking area on the site with boulders (or other barriers) blocking vehicular access onto the beach;
- Installing street lamps along River Road to provide some light coverage on the site; and,
- Posting appropriate HRM signage including Hours of Operation, Rule and Regulations, and contact numbers to report incidents.

Moving forward, public consultation would be necessary to gauge community interest in reinstating a beach site, and to determine the most desirable configuration of the land. 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.

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. The subject lands have not been appraised at the time of this report. The current fee structure for leases between DNR and Municipal governments in the following:

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 \$1,121.61 with the maximum possible value being dependent on the appraisal of the property. Therefore, a greater-than-expected investment would be necessary to lease the land at White Rock Beach, should Regional Council chose to direct staff to proceed with a lease of the site. To reduce costs, a smaller portion of the original 25 acre parcel may be able to be negotiated. Alternatively, a community group could apply to lease the property as non-profit organization with a reduced rate.

Summary

The following conclusions can be drawn from this report:

- There is limited access to freshwater swimming opportunities on the Chebucto Peninsula;
- A beach facility at White Rock Park may be warranted for district use;
- The site could support facilities of a district level beach such as parking, washrooms, storage, play areas, and nature trails;
- A playground would add value to a district beach site, but would not be appropriate to the site or necessary on its own;
- Issues with informal use and illegal dumping must be addressed through access control, territorial reinforcement and informal community policing;
- The lease cannot be renewed for \$1. Instead 5% of assessed land value would be charged annually;
- Public consultation is necessary to gain and understand the community's interest in the park. Active community stewardship would be a necessary to establish a successful lease and mitigate challenges with the site; and,

- Water quality testing and the assessment of potential underwater hazards are necessary before proceeding into lease negotiations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Any financial implications with regard to possible park improvements would be outlined in a future report, should a lease be recommended. It is anticipated that these might include matters such as access road and parking area improvements, signage, and washrooms.

ENVIRONMENTAL IMPLICATIONS

The presence of environmental contaminants on the previously leased land is presently unknown. An environmental site assessment has not been provided by the Province. The Municipality should commission an environmental site assessment as part of its due diligence should the direction to enter into a Lease be given.

COMMUNITY ENGAGEMENT

Community engagement on the potential interest on re-establishing a public beach at the site would be undertaken based on Regional Council's direction.

ALTERNATIVES

- Alternative 1: Regional Council may choose to not direct staff to undertake consultation to explore community interest in the re-establishment of a potential lease of the site for the purpose of a municipal beach due to concerns regarding continued challenges at the site.
- Alternative 2: Regional Council may choose to advise the community to explore forming an association to apply to lease the lands as a non-profit organization at a reduced rate.
- Alternative 3: Regional Council may choose to direct staff to investigate other beach opportunities on the Chebucto Peninsula to satisfy the freshwater aquatic needs of the community.

ATTACHMENTS

- Attachment A: Site Plan
Attachment B: Staff Photos from Site Visit June 28, 2016
Attachment C: Access Catchment of Chebucto Peninsula (30 minute drive time)
Map 1: Context Map of Surrounding Prospect/Terence Bay Communities

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.

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Attachment B – Staff Photos from Site Visit June 28, 2016



Figure 1: Beach area used by community on southeast section of Fourth Lake



Figure 2: Boat launch area used by community on southwest section of lake



Figure 3: Garbage dumped by community on grassy area adjacent to beach



Figure 4: Remains of tire fires left on grassy area adjacent to beach

Attachment C: Access Catchment

Chebucto Peninsula Swimming Access and 30-minute Drive from Site

