

DECLASSIFIED

HALIFAX FOIPOP Review [REDACTED]

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Halifax, Nova Scotia
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Approved to Release [REDACTED]

Date May 24, 2022

Item No. 10.1

Halifax Regional Council
May 17, 2022
In Camera (In Private)

TO: Mayor Savage and Members of Halifax Regional Council

Halifax Regional Council
May 31, 2022

SUBMITTED BY:

Original Signed by [REDACTED]

Jacques Dubé, Chief Administrative Officer

DATE: February 24, 2022

SUBJECT: Property Matter: Parkland Acquisition

PRIVATE & CONFIDENTIAL

ORIGIN

August 31, 2021 Regional Council motion (Item 13.6)

MOVED by Councillor Hendsbee, seconded by Councillor Kent

THAT Halifax Regional Council:

1. Adopt the recommendations as outlined in the private and confidential document dated August 31, 2021; and
2. Direct that the private and confidential document dated August 31, 2021 be maintained private and confidential.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S 2008, c.39:

Section 19(2)(a) provides:

The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to

- (a) acquisition, sale, lease and security of municipal property

Section 61(5)(a) provides:

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 ON PAGE 2

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to take no further action to acquire a portion of provincial lands in the Preston Area, identified as PID 40188781, for the purpose of creating a Preston Township Park until such time as there is a community-based, Provincially-led initiative regarding the development of these lands.

It is further recommended that this report not be released to the public.

BACKGROUND

Regional Council requested a staff report to explore the opportunity of acquiring a portion of a provincial crown land, PID 40188781 (subject lands), for the purpose of creating a "Preston Township Park" (Attachment A). It was identified that the acquisition would provide the greater Preston area with a large park that would secure public access to Lake Eagle for swimming, boating, an unstructured play area, and recreational trails. The confidential Request for Council's Consideration Form stated: "...HRM should either acquire, exchange, or lease the middle portion of the Lake Eagle land assembly to develop a community park."

The subject lands are approximately 98 hectares in size and are undeveloped and largely forested. They rise gradually from Upper Governor Street toward the middle of the lot, before falling at a somewhat steeper slope towards the edge of Lake Eagle.

The subject lands are part of a collection of relatively large properties that were expropriated in 1981 by the Province of Nova Scotia (Province), which at the time, were all owned by a single private development company. This includes PID 41057373 (south of the subject property, directly across Lake Eagle Drive) and PID 40284903 (north of the subject property, abutting Lake Eagle). The statutory purpose for the expropriation, outlined on the Expropriation Document, was "...the purpose of establishing a residential area and mixed development of a compatible nature."

The expropriated lands were acquired by the Province to ensure that development in the area could occur with a community-based focus rather than solely as a private development initiative. The Preston area is recognized for its longstanding African-Nova Scotian communities. Since the lands were expropriated in 1981, there have been no substantive efforts to advance the development of these lands by the Province.

DISCUSSION

In evaluating the proposal to acquire the subject lands, in whole or in part, as municipal parkland, assessments, directions and information relative to the following items were considered:

- the Halifax Green Network Plan;
- the potential of the subject lands as parkland;
- the municipal planning strategy for the area;
- the context to which the lands were acquired and are currently under management of the Province; and
- community development frameworks as outlined in documents such as *The Road to Economic Prosperity*.

Halifax Green Network Plan

The Halifax Green Network Plan (HGNP) considers open space across the municipality and provides broad policy support for initiatives that include the acquisition or retention of certain lands by the municipality for conservation and space for recreational benefit. Neither the HGNP, nor any provincial strategic documents identified with open space (e.g., *Our Parks and Protected Areas - 2013*), provide direction for future park

development on the subject lands. However, this lack of direction might be expected with the subject lands being under the administration of Municipal Affairs and Housing and not a department involved in either provincial parks or designated protected areas.

Potential of the Subject Lands as Parkland

There are some longstanding dumping issues along Upper Governor Street that are being addressed by the Municipality and the Province, that may also extend partly into the subject lands. However, in a broad sense, subject to detailed assessments, the notion of establishing a park upon the subject lands could have merit, based on their potential to provide lake access and be developed for other recreational uses and activities. As noted in the Council Consideration Form, they are centrally located between the communities of North Preston and East Preston and could serve as a focal point and recreational asset. However, there are additional public land finds in the Preston area, including Halifax Water-owned properties and a provincial protected wilderness area that would warrant attention in developing the type of park that Regional Council may be envisioning (Attachment B). In addition, while the establishment of such a large park might have merit, it is premature and would be more appropriately conceived as part of a comprehensive plan. Support for this approach may be derived by considering the overall planning policies for the area, the context of their provincial ownership, local consultation, and the best approaches for community development in the Preston area.

Municipal Planning Strategy Context

The North Preston / Lake Major Lake Loon / Cherry Brook and East Preston Municipal Planning Strategy (community plan) makes particular references to the expropriated lands. In essence, it suggests a need for comprehensive planning and development to meet community needs. In the preamble to Resource Policy RE-12, the community plan states [**emphasis added**]:

There is a need for a detailed level of Planning to be carried out for the land assembly lands located between the communities of North Preston and East Preston. A majority of the land assembly lands is comprised of Crown land and land owned by the City of Dartmouth. These lands were assembled partly in order to provide protection to water quality within the Lake Major Watershed and partly in order to provide direction for future community growth outside the boundary of the watershed. A large tract of land which is located west of Eagle Lake and the Loch Lorien subdivision is currently under [long] term lease to WADE.

In November of 1982, a detailed land use plan was prepared by Porter-Dillon and Associates Ltd. in order to assist in the implementation of the land assembly program. The recommendations of the detailed plan were never invoked, however, primarily because no decision was reached relative to the final disposition of the assembled lands to the community development corporation for eventual private ownership by residents.

In order to provide support to the land assembly program, while providing a developmental framework within which this program may be implemented, comprehensive development districts will enable detailed secondary planning to be carried out and provide flexibility such that the assembled lands may be developed for **community-based** residential, recreational, resource and industrial activities.

In the preamble for Residential Policy RES-8, the community plan further states [**emphasis added**]:

The Residential Designation includes an area in the vicinity of Lake Eagle and the Lorien Subdivision, which comprises land leased from the Crown to WADE. One of the primary objectives of this strategy is to support the assembly of lands between North and East Preston by WADE for the purpose of providing suitable sites for **community development** and the development of resource-based activities.

While some references in the community plan are of the pre-amalgamation era, the policy intent for these lands to be considered for broader community development purposes, to include a variety of uses, most notably residential development, speaks towards the needs for comprehensive planning that likely remains relevant today.

The policy also references where there is to be consideration of a framework that will provide for community-based organizations in the planning and development aspect. This consideration is seen as an essential element *prior to* any determination of the proposed conversion of the lands to any alternative use, which would include its potential as municipal parkland.

Context of Provincial Ownership

Municipal Affairs & Housing (MAH) is the land administrator of the subject property. Given that significant time has passed since the Province acquired the lands, MAH was contacted to learn of any changes of circumstances or development plans. MAH identified that there are no immediate development plans for the expropriated lands and that are considered to be "in holding." As future growth occurs and development pressures change over time, the expropriation lands may be more closely reviewed for development by the Province, but there are no such plans in place at this time. When such an initiative takes place, the expectation is that it would be community-based, comprehensive in nature, and would include parkland considerations.

Local Consultation

Extensive community consultation was not undertaken in investigating the potential municipal park idea. However, the idea was discussed with local community development contacts, including: North Preston Recreation Centre staff, the local municipal Community Developer, municipal Office of Diversity & Inclusion staff, and municipal Active Transportation staff that have undertaken previous work in helping to establish trails in the area. [REDACTED]

[REDACTED]. Without making determinations about the merits of a park, HRM staff understand that that any municipal initiatives involving the subject lands should be community-based and part of a comprehensive community development project.

Road to Economic Prosperity

Regional Council endorsed the Road to Economic Prosperity for African Nova Scotian Communities: Summary Report and Action Plan (REPAC) in September 2020. One of three strategic priorities identified was: "Establish land ownership, develop infrastructure, and attract investment."

This strategic priority is focused on the municipality taking steps to address both historic and current issues related to landownership, environmental racism, and ongoing community development issues which negatively and unfairly impact African Nova Scotians. Two Actions identified under this strategic priority were [emphasis added]:

Action 12. Identify the best approach to include Community Benefits Agreements (CBA) as part of HRM's Planning and Development strategies for ANS Communities.

Action 13. Create a framework to identify and address legislation and land use by-laws that impact ANS communities and **establish mechanisms for community input on required changes.**

Both these actions, and action 13 in particular, stress the importance of the municipality committing to broader community engagement in the review and development of community plans affecting African Nova Scotian communities. The subject lands are a significant provincial land asset that will shape and impact both East Preston and North Preston. The municipality should not proceed towards action or discussions

with the Province on this parcel, prior to extensive discussions with residents regarding the development opportunities and issues that these communities respectively face.

Conclusion

In time, it is envisioned that a portion of the subject lands could be realized as public open space, with access and amenities associated with Lake Eagle being an important component. Consideration would also need to be given to other public lands, including those that are already dedicated to wilderness protection and recreation. However, the development of the subject lands would be expected to be accomplished through a future community-based project, considering a broad range of complete community needs rather than only parkland objectives. Such planning work would be consistent with longstanding local plan policy and with more recent objectives identified in the African Nova Scotian Road to Economic Prosperity Action Plan. Given that the subject lands are under provincial ownership with a housing mandate, such an initiative would be expected to be led by the Province.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

Extensive community consultation did not occur in the preparation of this report. Community contacts were consulted [REDACTED] with the Halifax Partnership, where it pertained to implementation of the Road to Economic Prosperity Action Plan.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

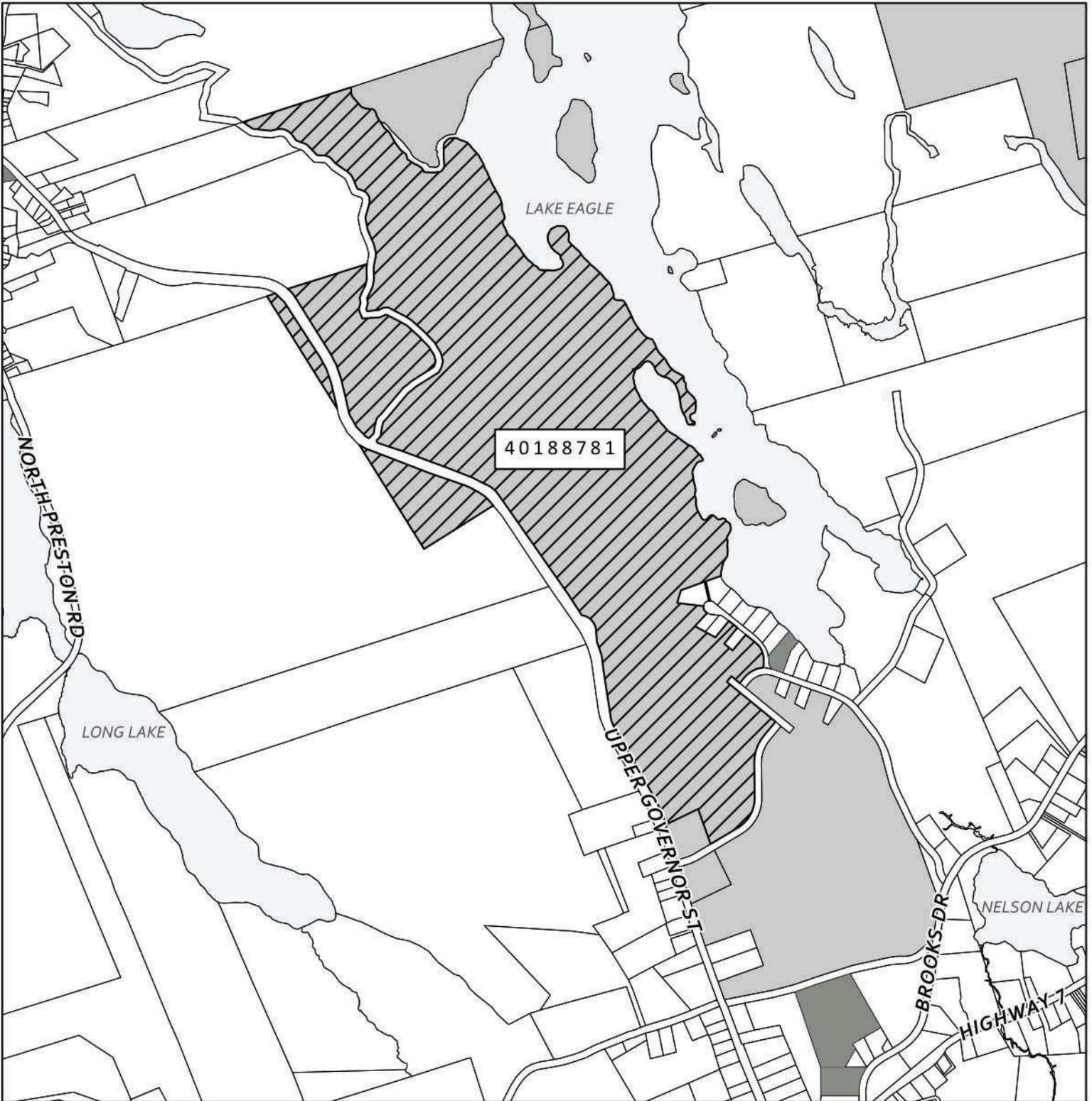
Regional Council could direct the Chief Administrative Officer to initiate a formal dialogue with the Province, to express a municipal interest in advancing the establishment of parkland on the subject lands, and report back to Regional Council on the response.

ATTACHMENTS

- Attachment A Location Map
- Attachment B Map of Surrounding Area

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: Douglas Reid, Real Property Policy Coordinator, Policy and Planning, 902.240.2647



PID 40188781 - Location Map

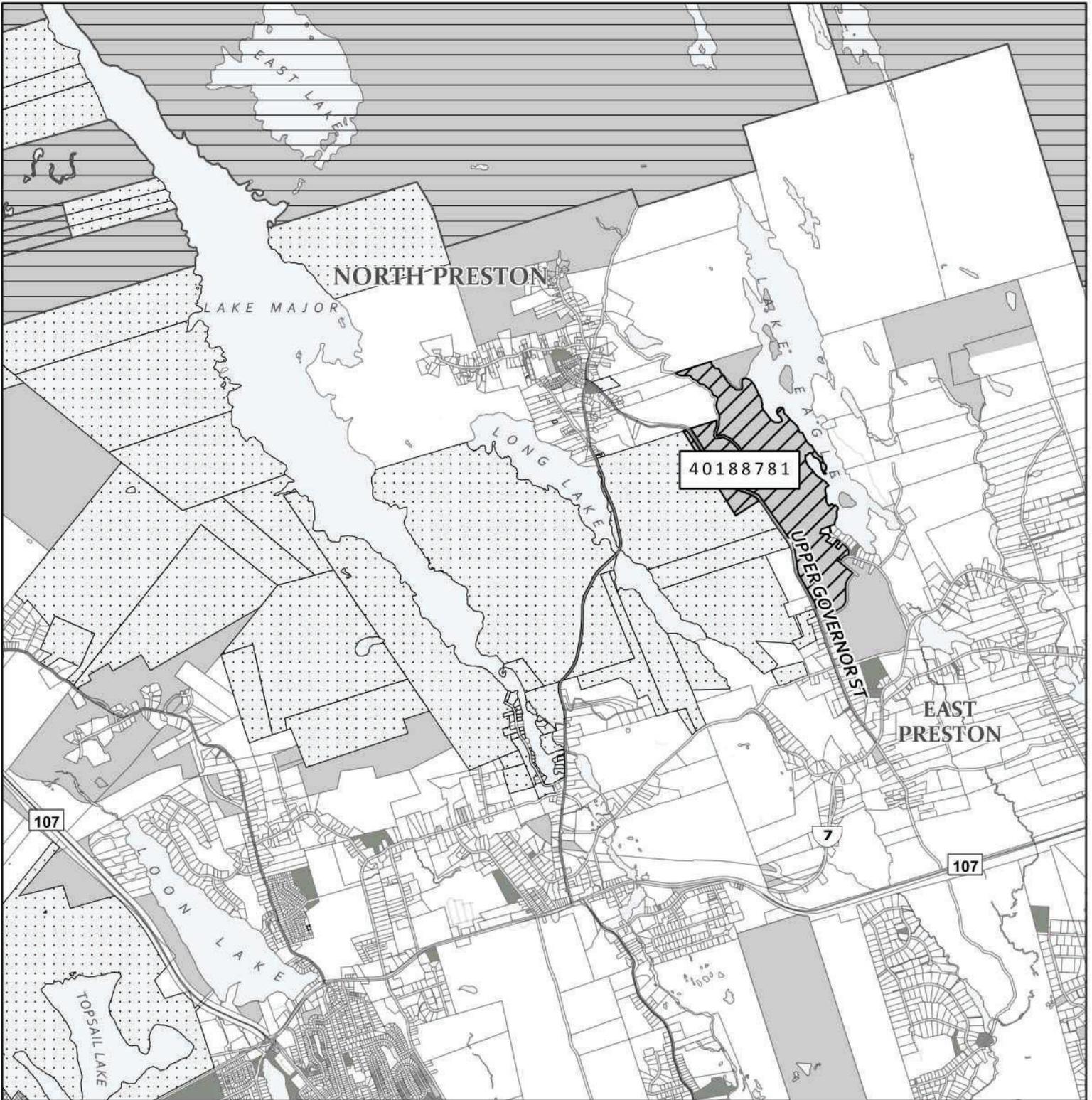
-  Municipal Parkland
-  Subject Lands
-  Crown Land

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PID 40188781 & SURROUNDING AREA

-  Subject Lands
-  Municipal Parkland
-  Halifax Water Lands
-  Crown Land
-  Waverley - Salmon River Long Lake Wilderness Area

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Date: 3/30/2022