

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: October 27, 2021

SUBJECT: Disposal of Park West School Park

ORIGIN

January 26, 2021 motion of Halifax Regional Council:

MOVED by Councillor Stoddard, seconded by Councillor Cleary

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to:

1. Work with the Province of Nova Scotia to undertake a community consultation on the possible disposal of the Park West School Park land (identified as PIDs 40682411, 40724619, 40774077) to the Province for the proposed school, as outlined in the staff report dated January 13, 2021;
2. Give notice in accordance with Charter Section 283(14), of the Municipality's intention to consider the disposal of the said Municipal parkland at a future Regional Council meeting; and
3. Subject to the community consultation, return to Regional Council for consideration of the proposed disposal of the said Municipal parkland pursuant to the Intergovernmental Transfer provisions under Administrative Order 50 and Administrative Order 2018-004.

MOTION PUT AND PASSED UNANIMOUSLY

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter:

Section 61

(3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

...

(5) The Municipality may

(b) sell property at market value when the property is no longer required for the purposes of the Municipality;

(c) lease property owned by the Municipality at market value;

Section 283

(14) Where the Council determines that any land transferred pursuant to this Section may no longer be needed for parks, playgrounds or similar public purposes, the Council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the Municipality, by notice published in a newspaper circulating in the Municipality at least fourteen days prior to the Council meeting at which a decision to sell will be made, and the proceeds must be used for parks, playgrounds and similar public purposes.

RECOMMENDATION ON PAGE 2

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property

1. The Municipality can acquire and sell real estate within its legislative provisions. Real estate holdings can be a “corporate” asset necessary for municipal functions and purposes of the business units or may be held for particular use of inhabitants of HRM for example, parks and institutional uses. Corporate assets are subject to corporate review by the Asset Owner Business Unit for continuing requirement. Where the business units of HRM have determined that properties no longer serve an operational requirement of the corporation or otherwise appear to be surplus to the needs of the Municipality, then the policy of disposal to be followed in all cases, excepting municipal property which requires particular process through statute or common law or property available in the Municipal Business Parks, is as directed by this policy of Council.
2. The Municipality will dispose of real property Council determines is no longer required for the purposes of the Municipality. Staff will identify surplus properties by the following categories

Intergovernmental Transfer

- (f) Properties requested by another level of government which:
 - i. will be used for a public purpose; and
 - ii. sold for market value.

...

4. Disposal Methods

Intergovernmental Transfer

- (4) This category of properties will be dealt with as directed by Council.

Other relevant legislation

Education Act, Schedule A of Chapter 1 of the Acts of 2018

Section 75

- (1) A regional centre may enter into and carry out a lease or agreement for the renting of premises for public school purposes.
- (2) No lease or agreement may be entered into under subsection (1) that
 - (a) fails to place the rental premises completely under the control of the regional centre; or
 - (b) contains any undertaking or agreement that abridges or modifies any power or duty of the regional centre.

Section 81

- (5) A regional centre may not sell a school property to which an agreement with respect to a community facility relates without first offering to sell the school property to the municipality.

RECOMMENDATION

It is recommended that:

Should the Province advise Halifax Regional Municipality that it has determined that the Municipality's Park West School Park (PIDs 40682411, 40724619, 40774077) is required as a site for a new school, Halifax Regional Council direct the Chief Administrative Officer to prepare a report and recommendation with respect to whether or not the properties are surplus to the needs of the Municipality under *Administrative Order 50, the Disposal of Real Property Administrative Order, Intergovernmental Transfer* process.

BACKGROUND

On January 26, 2021, Regional Council considered a staff report outlining a request from the Province of Nova Scotia (the Province) to obtain the municipally-owned Park West School Park for a new school (Attachment A). The Province indicated that a new school is required in Clayton Park West based on increased school enrollment and further highlighted challenges in finding a site in the area. Regional Council approved a recommendation to undertake public consultation on the proposed transfer of the park to the Province.

The Park West School Park site consists of four parcels. PID 40867400 is owned by the Province and is the location of the existing primary to grade 9 Park West School. PIDs 40682411, 40724619 and 40774077 (subject site) are the municipal parkland parcels the Province is interested in obtaining (Attachment A). The subject site was conveyed to Halifax Regional Municipality, between 1994 and 1999 during the development of Clayton Park West as part of the parkland dedication mandated under subdivision requirements. The subject site is approximately 4.25 ha and contains a soccer field (0.75 ha) and a forested area (3.5 ha) with a 280 m pathway connecting Radcliffe Drive and Lanshaw Close. There are informal trails within the forested area connecting the formal pathway to the soccer field and school. The surrounding community contains parks that include a variety of recreation amenities and natural areas.

The January staff report indicated that there may be a sufficient amount of parkland and variety of outdoor recreation amenities in the Clayton Park West area to support the transfer of land to the Province. The report also advised that while Regional Council may proceed with the parkland disposal by only posting an advertisement within the Municipal Notices section of the newspaper for two consecutive weeks prior to making a decision, public consultation should be undertaken.

Information about the proposed school, the Park West School Park site as parkland, the parkland in the surrounding community, and information and policies respecting parkland in general are found in the Halifax Regional Council Special Meeting, January 26, 2021 staff report, Proposed Disposal of Park West School Park.

DISCUSSION

The remainder of this report outlines the community consultation that was undertaken, and its results. The report recommends that any continued interest in this site from the Province should be considered through *Administrative Order 50, the Disposal of Real Property Administrative Order*.

Community Consultation

Between May 31, 2021 and June 21, 2021 information about the potential transfer of the lands and a survey were hosted on the Shape Your City portal. The public consultation was hosted on HRM's digital platforms but done in partnership with the Province. Consultation was focused on the merits of transferring the park to the Province for the development of the proposed school. Background information for the consultation was provided by the Province, which included a Transportation Impact Study and high-level details about the school. The on-line platform also contained links to the January 2021 staff report and the Urban Forest Master Plan. In addition to the survey, residents had the option to email comments. For questions related to the school, residents were directed to a contact person provided by the Province.

There were 380 survey respondents, over 82% were from two postal code areas closest to the lands: B3S and B3M. The majority of respondents, 69%, did not support the transfer of municipal parkland to the Province for the new public school. The loss of parkland was the most cited reason for not supporting the land transfer (244 respondents), followed by 144 who prefer an alternative location. 116 cited compatibility

issues with surrounding uses and 60 had 'other' reasons, a third of which were concerns related to loss of forest and wildlife habitat.¹

Unique comments were provided by 257 respondents; 138 of these were related to concerns around loss of parkland and associated losses of health benefits, wildlife habitat, and environmental benefits particularly considering HRM's declaration of a climate crisis; 44 expressed interest in placing the school in a different location while 43 were in favour of the Park West School Park site. Traffic and road safety concerns were cited by 37 respondents and 27 comments suggested using the existing Park West School building site area as part of a redevelopment, rather than using the adjacent forested parkland for a new separate school.

Fourteen individuals sent comments via email. One was in favour of transferring the lands to the Province for the new school, 10 were opposed and three were seeking additional information. The most common comments were related to concerns over the loss of parkland and lack of engagement from the Province regarding the other potential school sites. Further details of the engagement are provided in Attachment B.

Future School and the Park West School Site

The survey provides insight into how the respondents felt about the proposed school location and transfer of municipal land to the Province. The results of the engagement are publicly available on HRM's website and attached to this staff report. Since the engagement was undertaken jointly with the Province, the results were available to the Province upon survey conclusion.

Subsequently, Provincial staff have indicated that additional review of potential sites is required. Therefore, at this time, it is not confirmed whether the Province will still be requesting acquisition of the Park West Park site for use as a new school. As a result, the municipality should not immediately advance the disposal of Park West School Park through a sale or lease, but rather await confirmation from the Province that the site is still required. Should the Province decide that the Park West School Park continues to be necessary for the school and submits confirmation of the request, the disposal request would then proceed through the *Administrative Order 50, the Disposal of Real Property Administrative Order* process. Should Regional Council ultimately decide to further consider the disposal of Park West School Park to the Province, the process would include advanced public notification through a notice published in the newspaper.

Alternative to a sale of the property, discussions about the merits of a long-term lease could continue to be explored. A long-term lease approach would result in the lands ultimately being retained by the municipality. Due to the long-term nature of such agreements, the terms of the agreement would require further consultation with the Province. This option also requires confirmation from the Province regarding continued interest in the site for a new school.

FINANCIAL IMPLICATIONS

No financial implications at this time.

COMMUNITY ENGAGEMENT

Community engagement regarding the potential sale or lease of the subject site ran between May 31, 2021 and June 21, 2021. Details are provided in Attachment B.

¹ Participants could cite multiple reasons.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Halifax Regional Council could:

1. Direct the Chief Administrative Officer to inform the Province of Nova Scotia that Park West School Park (PID's 40682411, 40724619 and 40774077) is not surplus to municipal needs and is to be retained as parkland.
2. Direct the Chief Administrative Officer to proceed with the disposal of the Park West School Park site, without receiving additional confirmation from the Province of Nova Scotia, through the following motion:

"Declare Park West School Park (PIDs 40682411, 40724619 and 40774077) as surplus to municipal needs, and direct the Chief Administrative Officer to initiate the process for Regional Council to dispose of the lands to the Province of Nova Scotia for a future school, pursuant to Administrative Order 50 under the category of an Intergovernmental Transfer, by placing a notice in the Municipal Notices section of the newspaper for two consecutive weeks prior to a future council meeting in accordance with the HRM Charter section 283(14)."
3. Authorize the Chief Administrative Officer to negotiate and execute a long-term lease of Park West School Park (PID's 40682411, 40724619 and 40774077) with the Province of Nova Scotia subject to confirmation of continued interest in the site by the Province.

ATTACHMENTS

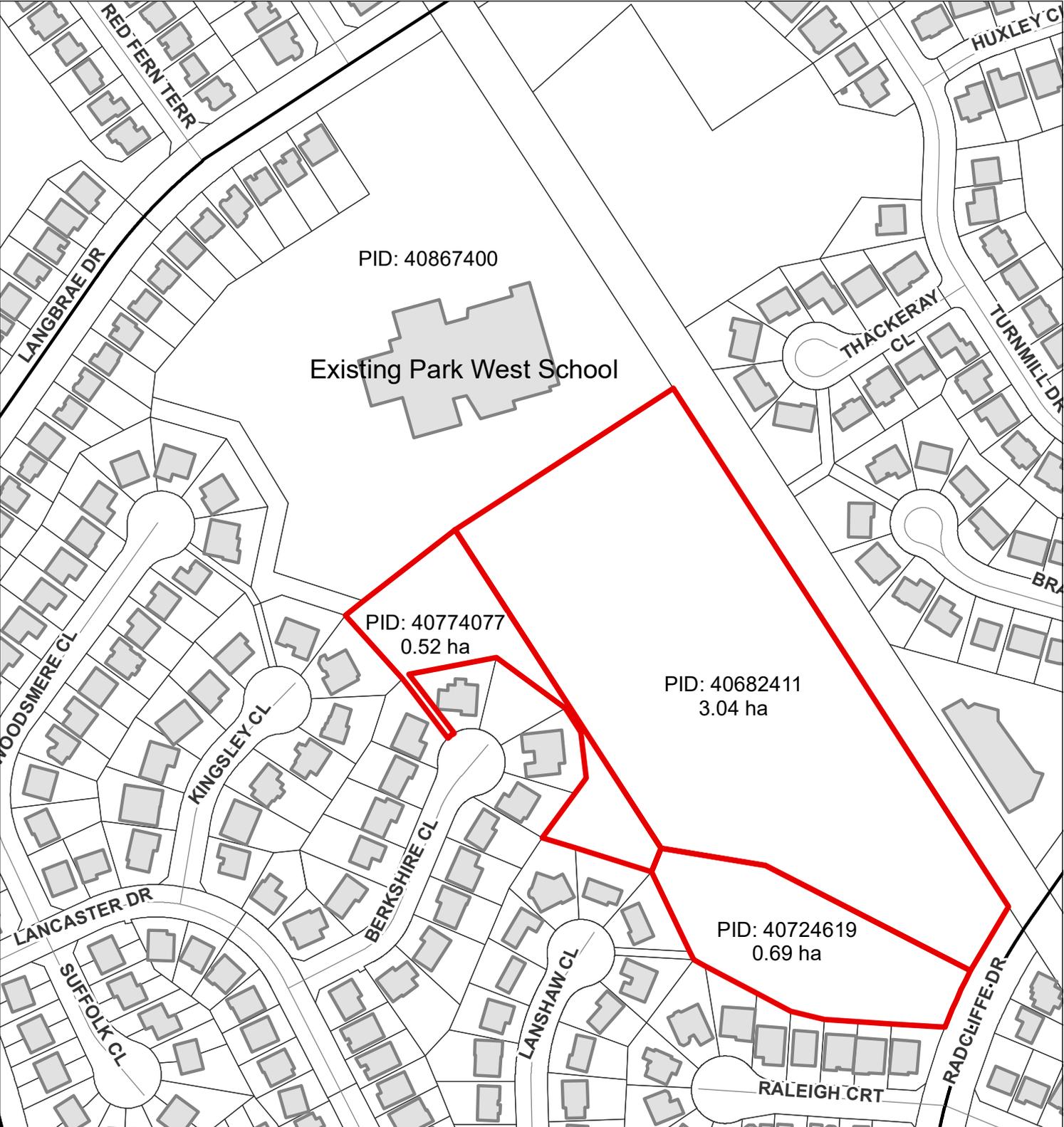
Attachment A Park West School Park - Map

Attachment B Park West School Park - What We Heard – Report

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 490-4210, or Fax 490-4208.

Report Prepared by: Penelope Kuhn, Real Property Policy Coordinator, Policy and Planning, Parks and Recreation, 902.240.2647

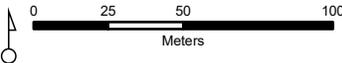
Richard Harvey, Manager of Policy and Planning, Parks and Recreation,
902.476.5822



PARK WEST SCHOOL PARK

 Properties of Interest

HALIFAX
Parks & Recreation
Policy & Planning



Park West School Park

What We Heard Report



July 2021



OVERVIEW

Community engagement exploring the possible transfer of parkland to the province for a new school in the forested area of Park West School Park ran from May 31, 2021 to June 21, 2021. Information and a survey were hosted on the Shape Your City portal. Residents also had the option to email comments to HRM staff. For questions related to the school, residents were directed to a contact person provided by the province.

Engagement opportunities were advertised via:

- A public service announcement
- Large format on-site signage at two locations
- Mailouts to adjacent residents (450)
- Social media posts
- Digital screen presence
- Halifax.ca homepage (2 days)

The main social media outreach was via Facebook and Twitter, where over 11,000 people were reached and over 130 people engaged through link clicks, likes, shares, and retweets.

ENGAGEMENT SUMMARY

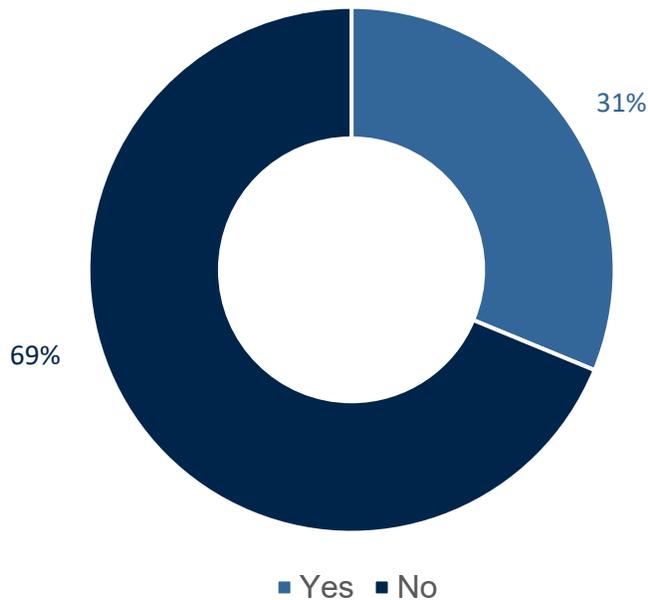
There were 380 survey respondents, over 82% were from the two postal code areas closest to the park: B3S and B3M. The majority of respondents, 69%, do not support the transfer of municipal parkland for the new public school. The loss of parkland was the most cited reason for not supporting the land transfer (244 respondents), followed by 144 who prefer an alternative location, 116 cited compatibility issues with surrounding uses and 60 had 'other' reasons (a third of these were related to concern over loss of forest and wildlife habitat).

Unique comments were left by 257 respondents. Over half of these, 138, were related to concerns around loss of parkland and associated losses of health benefits, wildlife habitat and environmental benefits (particularly considering HRM's declaration of a climate crisis). Many, 44, expressed interest in locating the school in a different location, while 43 were in favour of the Park West School Park site. Traffic and road safety concerns were cited by 37 respondents and 27 comments suggested using the existing Park West School site/building for a more creative solution rather than using the adjacent forest for greenfield development.

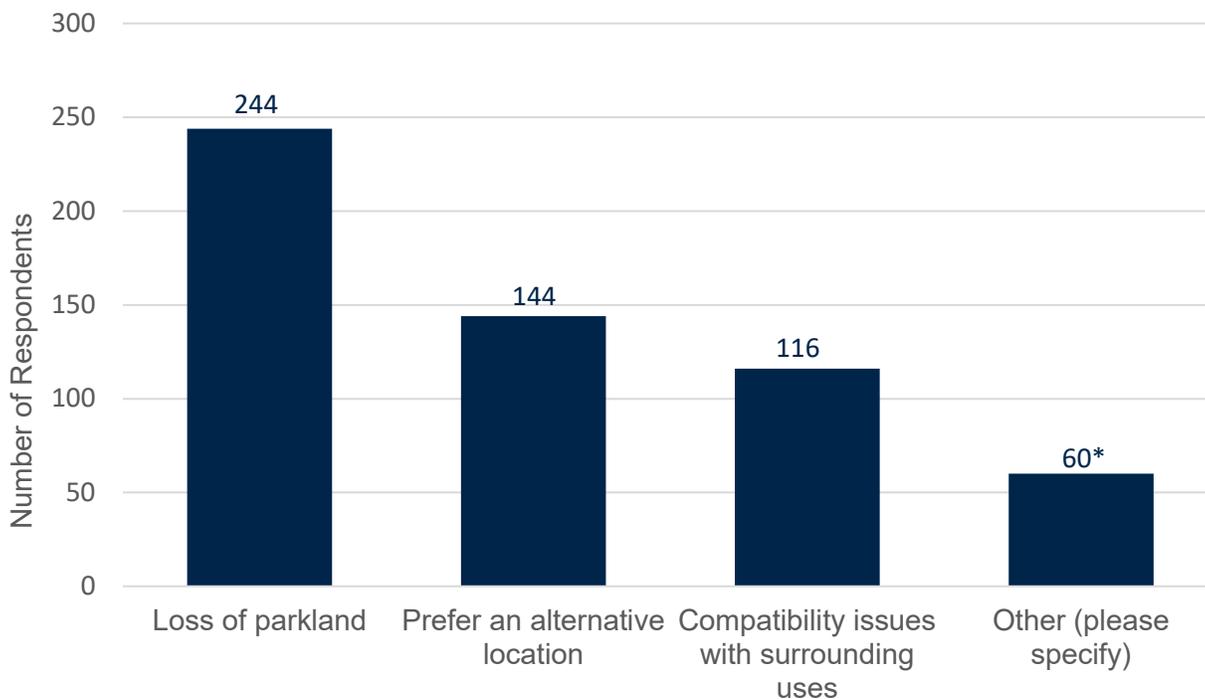
Fourteen individuals sent comments via email. One was in favour of transferring the parkland to the province for the new school, 10 were opposed and 3 were seeking additional information. The most common comments were related to concern over the loss of parkland and lack of engagement and information from the province regarding the other potential school sites they considered.

SURVEY RESULTS

Q1. Do you support the transfer of the municipal parkland for the new public school? (380 responses)



Q2. If you answered 'No' in question # 1 please indicate why (check all that apply):



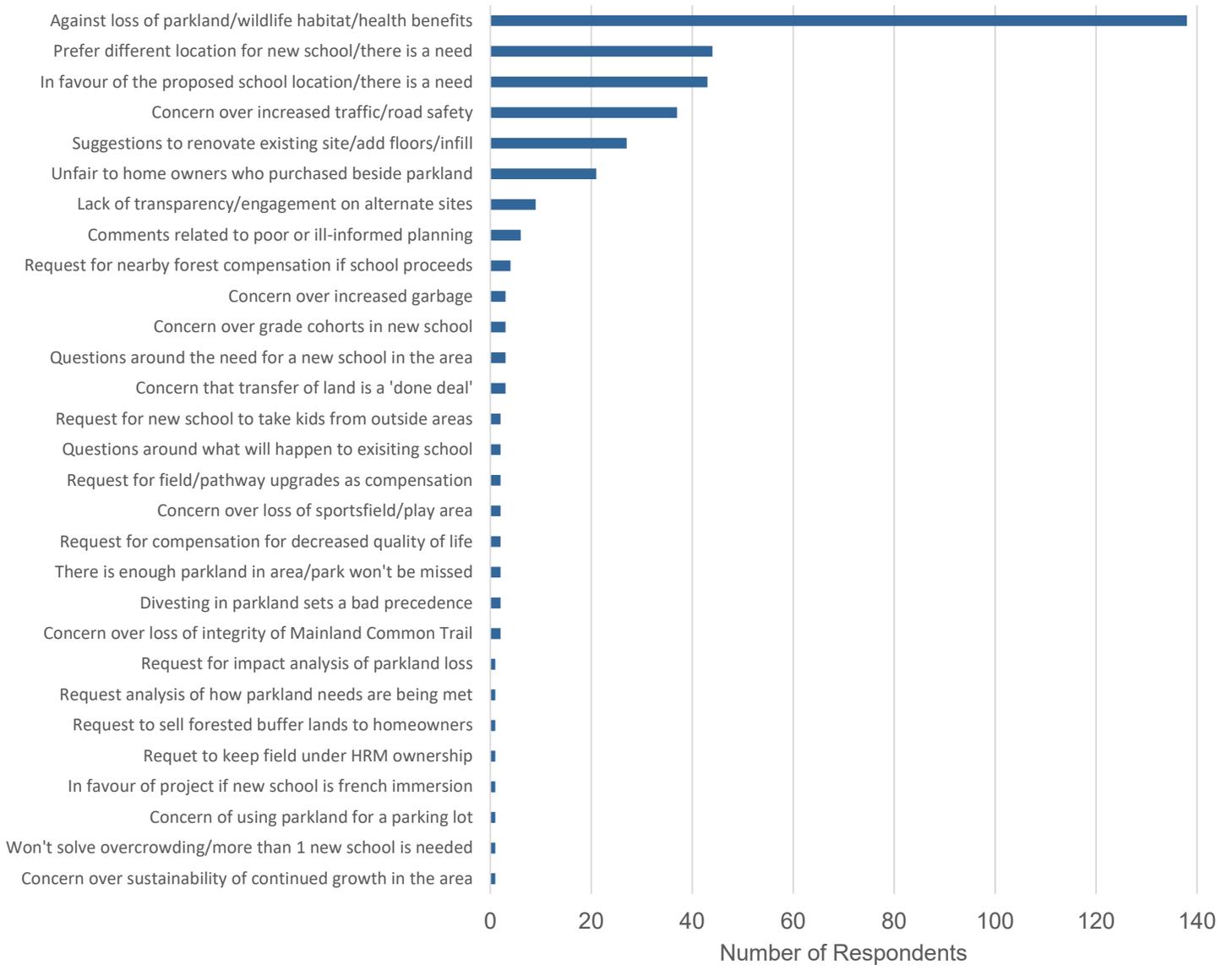
*21 comments referred to concern over loss of forest, mature trees and habitat

13 comments were related to concern over traffic congestion

7 comments were related to concern over negative impacts to abutting residential properties

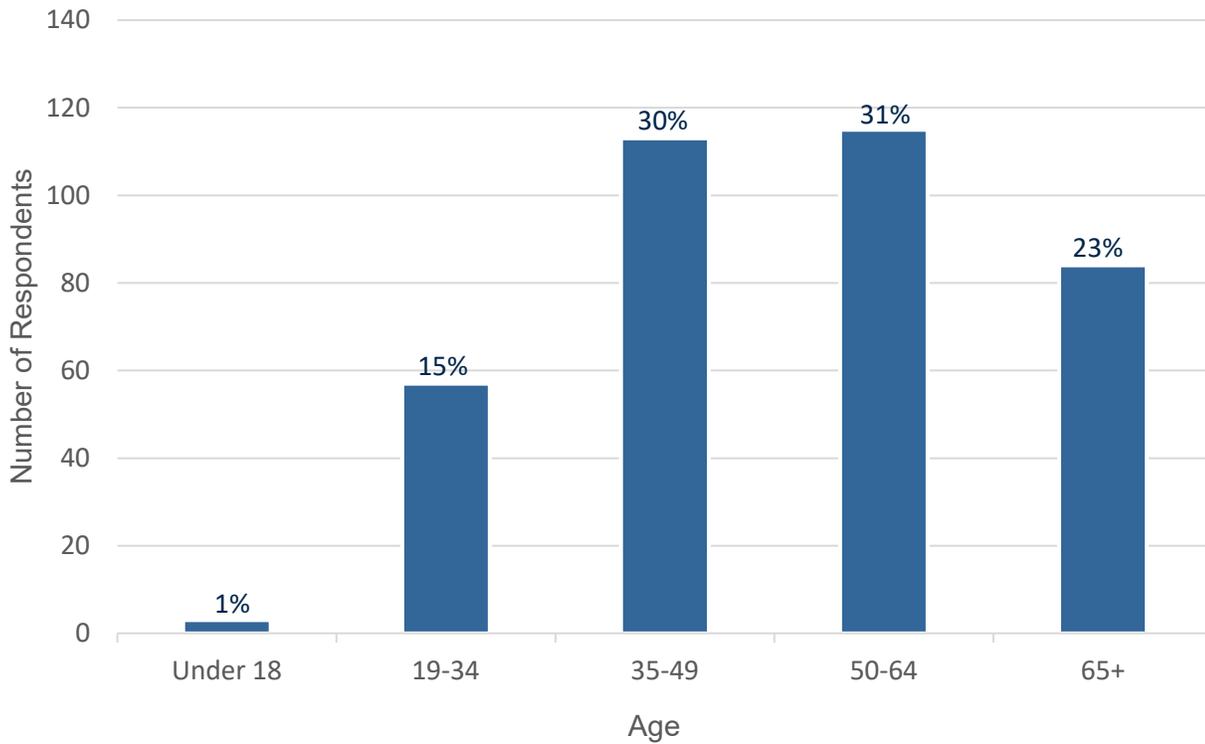
Remaining comments had 3 or fewer respondents; topics include concern over increased litter on the Mainland Common Trail, suggestions to build onto the existing school site and concern over decrease in forest health benefits.

Q3. Please add any other comments directly related to this project.*

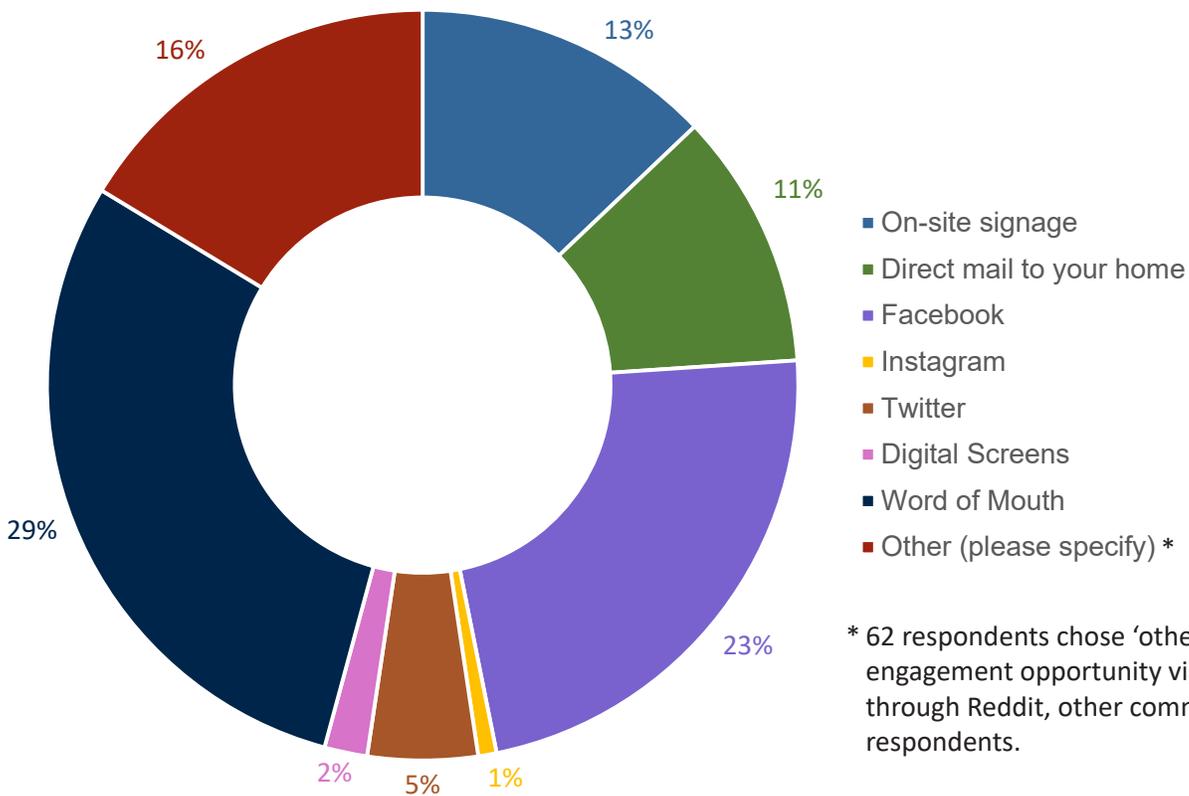


*257 respondents left detailed comments. Similar comments have been consolidated into the above categories.

Q4. Which age group do you fall in?



Q5. How did you first hear about this engagement opportunity (choose one)?



* 62 respondents chose 'other', 38 heard about the engagement opportunity via news media and 8 through Reddit, other comments had 2 or fewer respondents.

COMMENTS RECEIVED VIA EMAIL

Emails with detailed comments were received from 14 individuals. One was in favour of the transfer of parkland for the new school, 10 were against and 3 were seeking further information. One email from a resident against the transfer of parkland included supportive signatures from 5 other individuals. Residents with school-related questions were directed to the provincial contact person.

Comments are summarized below. The number in parenthesis indicates the number of individuals with similar comments.

- Concern over loss of parkland/habitat and that loss of parkland is against the UFMP and HGNP* (8)
- Concern over lack of engagement/transparency from province over other potential sites (8)
- Traffic concerns (3)
- Suggestions to build close to existing school/infill (3)
- Concern over lack of notice of engagement/lack of time for community to engage with one another (3)
- Concern over poor condition of sports field (2)
- Concern over lack of detail provided about the proposed school (2)
- Concern over changing community subdivision parkland plan (2)
- In favour of proposed school (1)
- Concern about what the school cohort will consist of (1)
- Request for compensation if parkland is converted to school (1)
- Concern that parkland divestment is a 'done deal' (1)
- Request for detailed school site plan (1)
- Questions around size of buffer that will be left (1)
- Question regarding school catchment (1)
- Request for environmental impact study on the loss of parkland (1)
- Traffic concerns specific to Turnmill Drive (1)
- Complaints about lack of park maintenance at Turnmill Road Park (1)
- Concern that amount of parkland within Clayton Park West has been overstated by staff (1)

*Urban Forest Master Plan and Halifax Green Network Plan

Several alternate locations for the new school were proposed:

- The greenspace between Costco and Kent along Lacewood/Chain Lake Drive
- Near Halifax West High School
- Along Chain Lake Drive close to the hospital expansion
- Sheffield Park
- Fairview Hills Golf Centre
- Seaton Ridge area