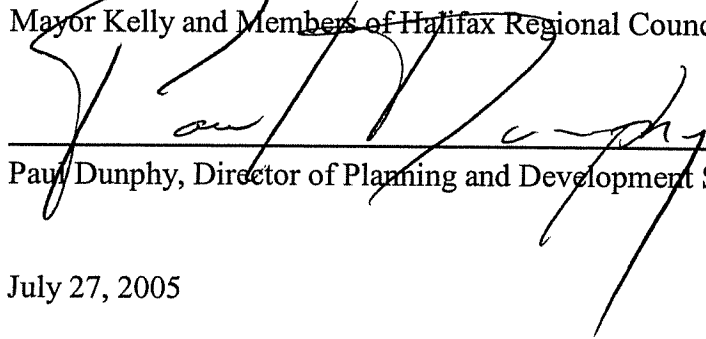


**Halifax Regional Council**  
**August 9, 2005**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning and Development Services

**DATE:** July 27, 2005

**SUBJECT:** Case 00793: Timberlea, Lakeside and Beechville Service Boundary

### INFORMATION REPORT

#### ORIGIN

- April 5, 2005 Information Report on Timberlea, Lakeside, Beechville Sewage Treatment Plant Capacity;
- April 12, 2005 motion by Regional Council for a report on options to treat wastewater from undeveloped lands in the Timberlea, Lakeside and Beechville service boundary;
- A June 28, 2005 Supplementary Report was deleted from the July 5, 2005 Regional Council agenda.

#### BACKGROUND

Subsequent to submitting the June 28, 2005 staff report, staff received a letter from the solicitor for the Westgate development raising several legal arguments regarding their development rights. The Municipal Solicitor advised Council during the July 5, 2005 in-camera session that this letter warranted further review before advising Council. Consequently, Council removed the Timberlea, Lakeside and Beechville Service Boundary report from its regular agenda. The Municipal Solicitor is currently reviewing the legal arguments and will advise Council in the near future.

Westgate in a letter of June 29, 2005 offered in principle to contribute towards the financial costs of providing sewage treatment for their development rather than have the service boundary reduced. A specific amount of money was not proposed nor was a funding formula. Subsequent discussions have confirmed this offer. Specifically, they wish to investigate the costs and feasibility of two development/servicing scenarios presented in the June 28, 2005 staff report.

**DISCUSSION**

In the interests of a fair and open process, staff have agreed to allow Westgate time to explore these two options further and to make a specific proposal on contributing towards the capital costs. Staff will provide information and advice to Westgate, however all other costs associated with the analysis will be borne by Westgate. Once this work has been completed, staff will return to Council with a recommendation. During discussions with Westgate, staff will be mindful of the fact that other property owners are in the same circumstance.

It is not possible to estimate when a supplementary staff report will be submitted. For example one of the servicing scenarios involves the use of wetlands and requires substantial discussion and review by the Department of Environment and Labour to determine whether it is technically acceptable. In the mean time, this delay does not pose any risk to HRM. The Province has made it clear that regardless of whether or not the Service Boundary is amended, they will not approve any subdivisions which exceed the Nine Mile River sewage treatment plant's license.

**BUDGET IMPLICATIONS**

None at this time.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

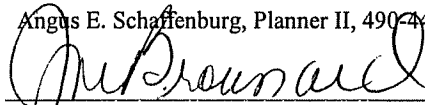
None at this time.

**ATTACHMENTS**

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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