

**Marine Drive, Valley and Canal Community Council
September 25, 2012**

TO: Chair and Members of Marine Drive, Valley and Canal Community Council

SUBMITTED BY: 
Brad Anguish, Director of Community & Recreation Services

DATE: September 13, 2012

SUBJECT: Case 15969: Open Space Design Development Agreement – Windgate Drive, Windsor Junction

SUPPLEMENTARY REPORT

ORIGIN

- Motion of Marine Drive, Valley and Canal Community Council on July 25, 2012
- Staff report to MDVCCC dated May 2, 2012

RECOMMENDATION

It is recommended that Marine Drive, Valley and Canal Community Council:

1. Give Notice of Motion to consider the development agreement contained in Attachment A of the staff report dated May 2, 2012, to allow for a Classic Open Space Design development agreement off Windgate Drive, Windsor Junction, and schedule a public hearing;
2. Approve the development agreement contained in Attachment A of the staff report dated May 2, 2012, to allow for a Classic Open Space Design development agreement off Windgate Drive, Windsor Junction; and
3. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

BACKGROUND

At the July 25, 2012, meeting of Marine Drive, Valley and Canal Community Council (MDVCCC), staff informed MDVCCC that comments (see Attachment A) had been received from the Nova Scotia Department of Natural Resources (NSDNR) regarding the proposed open space design subdivision off Windgate Drive in Windsor Junction. The comments were received at approximately 4:00 p.m. that same day, and staff requested that MDVCCC defer scheduling a public hearing until such time as staff had an opportunity to respond to the comments provided by NSDNR. Once complete, staff would then provide a supplementary report to MDVCCC.

DISCUSSION

Staff met with officials from NSDNR on August 21, 2012 to discuss their comments. Following the meeting, NSDNR submitted a second letter regarding the proposal, a copy of which is provided as Attachment B to this report.

In the letter of August 22, 2012, NSDNR urge that consideration be given to maximize tree retention within the proposed development. The development proposal includes the retention of a 20 metre (66 ft.) riparian buffer long all watercourses. Further, the proposed development agreement contains provisions that restrict use and development rights within the buffer to ensure the subject lands are protected and that existing vegetation is retained. In addition to the required buffer, all lands identified within the undevelopable portion of the development (minimum 60 percent of total site), with the exception of the equestrian stable and paddock area, are to be undisturbed and retained in a natural state. It is the opinion of staff these provisions of the proposed development agreement will maximize tree retention on the site far more than what could occur under any as-of-right development. Accordingly, the comments raised by NSDNR have been adequately addressed through the proposed development agreement (Attachment A of the staff report dated May 2, 2012).

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the approved 2012/13 budget in C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

There was no community engagement required as part of this Supplementary Report. However, the community engagement process for this Planning Application (Case 15969) is outlined in the Staff Report dated May 2, 2012.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified relative to the contents of this report.

ALTERNATIVES

1. Council may choose to approve the proposed development agreement contained in Attachment A of this report. This is the recommended alternative.
2. Council may refer the case back to staff with specific changes to modify the development agreement. Such modifications may require further negotiations with the Developer and may require a supplementary staff report or an additional public hearing.

Given that the Community Council structure is uncertain following the impending municipal election on October 20, 2012, this alternative could result in a decision on the matter being delayed and routed to Regional Council for any additional public hearing and decision.

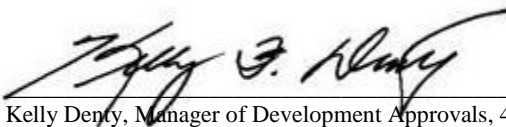
3. Council may refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with the applicable MPS policies.

ATTACHMENTS

Attachment A: Letter from NSDNR dated July 17, 2012
Attachment B: Letter from NSDNR dated August 22, 2012

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

Report Prepared by: Tyson Simms, Planner I, 869-4747

Report Approved by: 
Kelly Denty, Manager of Development Approvals, 490-4800



R.R #1 Belmont B0M 1C0

July 17, 2012

Krista Vining
Marine Drive, Valley and Canal Community Council
tidgwek@halifax.ca

Re: Proposed Development, Wyndgate Farms (Case # 15969)

Dear Ms. Vining:

Please include this email and attached letter as part of the public record for the above-noted matter which I understand will be the subject of a public hearing on July 25, 2012.

Sackville Lakes (formerly Second Lake) provincial park reserve is administered by the Nova Scotia Department of Natural Resources through the provincial parks program. This property contains a number of important ecological values, including stands of near-old growth forest, several wetlands, and extensive frontage on Second Lake. The property also provides opportunities for a range of nature-based outdoor recreation activities, including hiking, walking, swimming, fishing, and walk-in boating. The park's value to HRM residents is further heightened by the relatively pristine character of both the park land base and adjoining waters of Second Lake and its near-urban location that provides relatively easy access for many residents.

The Department is aware that Halifax Regional Municipality is currently reviewing a proposal for residential development at Wyndgate Farms that borders on Second Lake. The Province had a significant investment in acquiring the 305 hectare property explicitly for park purposes. One of the key considerations for establishing a provincial park in this location was the relatively unspoiled nature of the land base and the adjoining Second Lake. The Department would like HRM's assurance that any development on Second Lake would not measurably diminish the intrinsic values of Sackville Lakes provincial park reserve or the park experiences enjoyed by HRM residents.

The Department has several concerns about potential negative impacts the proposed development may have on park values. Foremost among these is the potential for water quality problems at Second Lake due to a variety of factors including the on-site sewage system, storm sewer run-off and increased nutrient

levels due to the use of fertilizers. The development agreement and other regulatory measures need to address these concerns by ensuring the on-site sewer system does not discharge or leach into the lake, constructing storm water retention ponds to reduce flows into the lake, and by providing adequate no-mow buffers along the lakeshore.

A second concern is the impact the proposed development may have on park aesthetics, in particular viewsapes. Much of the lakeshore is included within the provincial park and is managed in a natural state. If approved, the proposed development has the potential to have a significant visual impact on the lakeshore. The development agreement should therefore incorporate provisions to minimize visual impacts through, for example, setbacks from the lake, buffering (including retention of as much existing lakeshore vegetation as possible), and building design criteria.

The Department of Natural Resources believes Sackville Lakes provincial park reserve plays a vital role in the lives of HRM residents. If non-park development is to be permitted on adjoining lands, HRM should endeavour to ensure that the impacts of that development do not compromise park values or park users' experiences.

Yours truly,

Harold Carroll
Director, Parks and Recreation

c. Bob Harvey, HRM Councillor
Tyson Simms, HRM Planner



Parks and Recreation
RR#1 Belmont NS B0M 1C0

August 22, 2012

Tyson Simms, M Plan
Planner - Central Region
Halifax Regional Municipality
636 Sackville Drive
Lower Sackville, NS

Dear Mr. Simms:

Thank you for the opportunity to meet and discuss our concerns with the proposed development at Wyndgate Farm.

As stated in the previous letter of July 17th our goal was to ensure that the concerns as managers of the Provincial Park lands are noted for the record.

Based upon the discussion of July 21st it appears that the design aspects of the development agreement in general address the issues raised regarding impacts to the provincial park and the park experience.

It is understood that our concerns over potential impacts the on-site sewage system may have on Second Lake will be addressed by the Nova Scotia Department of Environment as part of their permitting process.

I would, however, urge that consideration be given to efforts that maximize tree retention as part of the development. This could be accomplished by expanding upon the existing plans and further enhancement to the natural undisturbed areas.

Thank you again for the opportunity to provide input.

Yours truly,

Harold Carroll
Director

