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Item No. 9.1.11
Audit and Finance Standing Committee
September 17, 2014

TO: Chair and Members of (Name of Community Council or Board)

Original Signed

SUBMITTED BY:

Jane Fraser, Director, Planning and Infrastructure

DATE: 30 July 2014

SUBJECT: Public Water Access to Wrights Lake

ORIGIN

This report originates with a motion from Halifax Regional Council on July 22, 2014, requesting a staff report to be brought back to Regional Council, through the Audit and Finance Standing Committee, as this request could result in a mid-year change to the 2014-15 capital project budget, to enable access to Wrights Lake with funding to be provided through the Westwood Hills Residents' Association Area Rate.

LEGISLATIVE AUTHORITY

Halifax Charter:

Area rates and uniform charges

96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.

(2) The Council may recover annually from the area the amount required or as much of that sum as the Council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessments in the area.

RECOMMENDATION

It is recommended that Audit and Finance Standing Committee recommends that Regional Council;

- 1) Approve an increase of \$60,000 to 2014/15 Capital Budget Account CPX01331 Regional Water Access/Beach Upgrades to be funded from the Westwood Hills Residents Association Area Rate for the purpose of creating a public canoe/kayak put-in on Municipal Property located at Wrights Lake;
- 2) Authorize staff to enter into negotiations with Nova Scotia Power to secure a licence to allow for the portion of the canoe/kayak put-in required to be placed on NSPI lands (PID: 41228032) on Wrights Lake.

BACKGROUND

Enhanced access to our lakes, rivers and ocean was identified as a priority by Council in 2011. The St Margarets Bay area, despite having a number of lakes and miles of coastline, has very few developed public accesses to waterways. The primary two regional locations are Boutiliers Point Wharf and Micous Island on St. Margarets Bay. A neighbourhood access has recently been added at Five Island Lake. Other lake front municipal parks exist but have not been developed for put-ins. At the time of subdivision approval Municipal staff sought to secure public access to Wrights Lake through the Parkland Dedication process. However, owing to unique complications associated with lake ownership and willingness of the subdivision developer, were unable to do so. The lake is owned by Nova Scotia Power.

The Residents Association of Westwood Hills in District 13 has been working for four years to identify options for a neighbourhood put-in for small watercraft on Wrights Lake. The Residents Association and municipal staff have identified a small strip of municipal land on Wrights Lake Boulevard as the best available option. The agreed program is for a simple access point to allow the neighbourhood and others to enjoy the lake with canoes, kayaks and row boats.

The lake is unique in that Nova Scotia Power owns the flooded portion of the lake as well as a separate narrow strip of land all around the lake. The unique ownership is a result of the need to create and maintain the lake as a head pond for the operation of the St. Margaret's Hydro Electric Generating Station. Therefore, permission of Nova Scotia Power is required to cross and build infrastructure on their land to even reach the lake from the municipal property. Discussion has already occurred with NSPI and they are open to public access to the lake, but have conditions relating to protection of the hydroelectric infrastructure. Nova Scotia Power is only interested in signing a permissive licence with Halifax Regional Municipality and not with the Residents Association. NSPI also requires that they approve any improvements to be placed on their land.

The chosen site is a gravelled pathway leading from Westwood Boulevard to the lake and NSPI property and is associated with an engineered drainage channel also leading to the lake. Users would be required to carry or wheel small craft down the path to the put-in. The lakes edge is visible from the street. As most neighbourhood users would be arriving by car, there is an opportunity to create a pull off for a few cars within the right of way as it is extra wide in this location. The water in this location is shallow and suitable for small craft but not suitable for motorized boats. Local residents are currently using the pathway for limited access to the lake. The path is approximately 25 m from the nearest residence.

DISCUSSION

Municipal staff have looked at the site and the program for the lake access and has made the following recommendations which the Residents Association has accepted:

- 1) The put-in should be simple, 'low-tech', easy to maintain and scaled for low-level local uses;
- 2) The design should be predominantly on-shore and in the near-shore shallows to remove the temptation to dive or jump from any improvements. (see examples in Attachment 2);
- 3) Improvements should be fixed on the shore to prevent components from becoming loose, floating away and interfering with the dam, which is a concern of NSPI;
- 4) HRM will own the infrastructure and will maintain it. The Westwood Hills Residents' Association will enter into an agreement with HRM to fund the infrastructure;
- 5) HRM will build the infrastructure and improvements to appropriate public standards;
- 6) The Area Rate will be used for Capital construction and ongoing regular maintenance;
- 7) HRM will work with the Residents Association on the design improvements and working with the adjacent property owners.

Approval of this project as an additional capital item will allow staff resources from Planning and Infrastructure and Legal Services to be directed towards the project design, permit approvals and construction as well as the necessary access licence with NSPI, allowing the construction to occur next spring.

FINANCIAL IMPLICATIONS

Costs of improvements are estimated at \$60,000. Ongoing maintenance costs are estimated to be approximately \$1,000 per year. Both the initial capital costs, as well as the subsequent annual operating costs, are to be funded by the Westwood Hills Residents Association through its existing area rate. The Westwood Hills Residents Association has included the lake access as part of its Business Plan submission to HRM. Currently there is \$144,500 in the Westwood Hills Area Rate Account

The proposed easement agreement with NSPI, subject to negotiation and subsequent approval, will be funded by Land Management's (W700) Licences and Agreements operating account.

Funding from the Westwood Hills Residents Association Area Rate will result in a zero net impact on the 2014/15 Capital Budget.

Budget Summary: Project No. CPX01331 Regional Water Access/Beach Upgrades

Cumulative Unspent Budget	\$1,292,702.24
Add: Funds from West Wood Hills Residents Association C145	<u>\$ 60,000.00</u>
Balance	\$1,352,702.24

The budget availability has been confirmed by Finance.

COMMUNITY ENGAGEMENT

Municipal Staff have been engaged in consultation with the Westwood Hills Residents Association. The put-in was approved through the Residents Association Annual Business Plan.

ENVIRONMENTAL IMPLICATIONS

The design of the put-in and use of the lake are intended to be low impact. All required permits from the Department of the Environment and Federal Fisheries and Navigable Waters will be secured prior to construction.

Access to the lake offers the public an opportunity to experience the natural environment both on the lake and in the surrounding woodlands.

ALTERNATIVES

- 1) Audit and Finance Committee could recommend to defer consideration of this matter until the
- 2) 2015/2016 Capital Budget

ATTACHMENTS

Attachment 1) – Map of proposed put-in location

Attachment 2) – Examples of proposed infrastructure improvements

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> 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.


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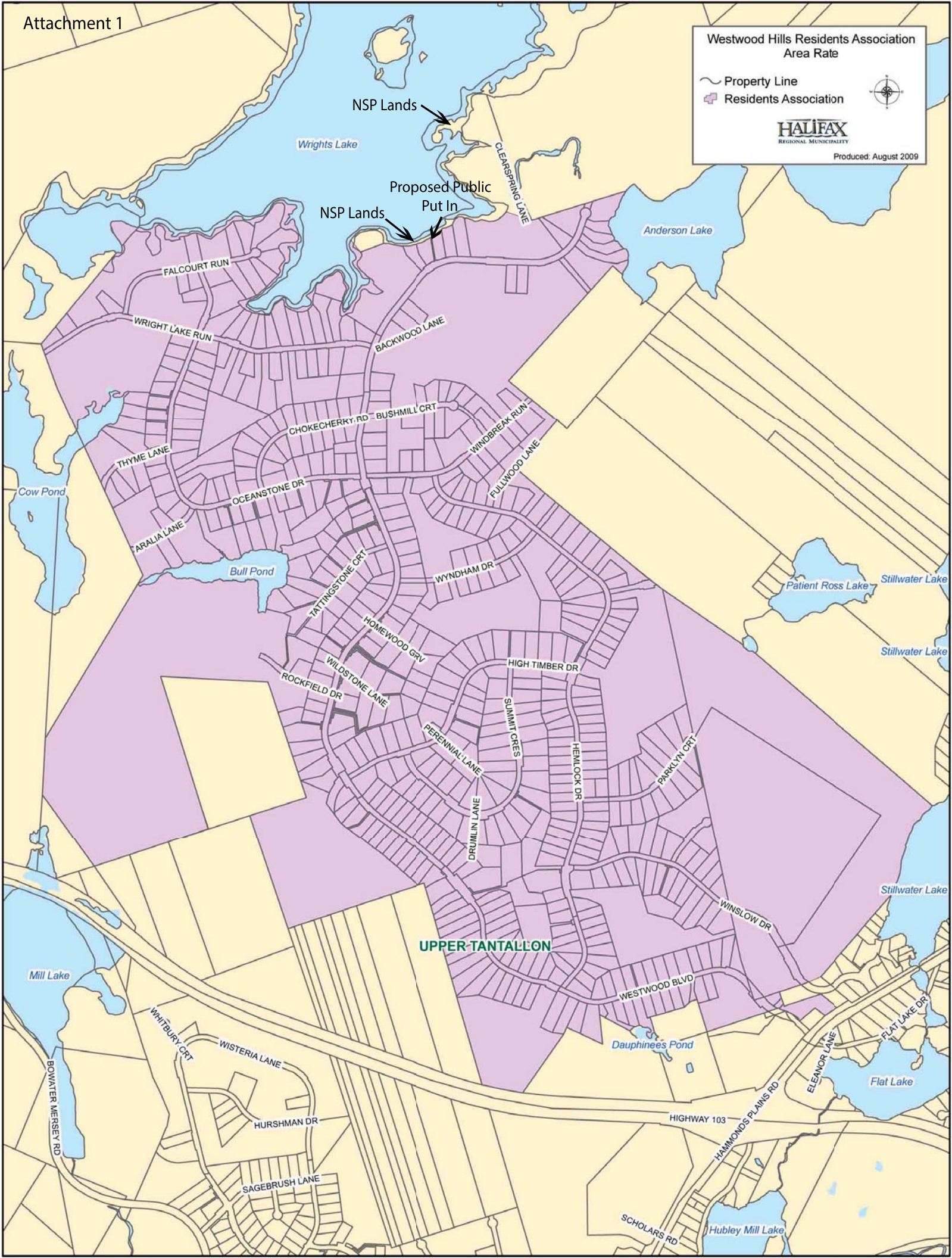
Westwood Hills Residents Association
Area Rate

~ Property Line
■ Residents Association



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Attachment 2 - Public Water Access to Wrights Lake – Concept Examples

