

**Item No. 12.4**

**Halifax Regional Council**  
**March 27, 2012**

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

Original signed

**SUBMITTED BY:**

Richard Butts, Chief Administrative Officer

Original signed

Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** March 26, 2012

**SUBJECT:** Purcell's Cove Servicing Study Community Steering Committee

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**ORIGIN**

The Halifax Regional Council motion of February 8, 2011 initiating the Purcell's Cove Road Servicing Study.

The Halifax Regional Council motion of August 2, 2011 adopting the *Public Appointments Policy – Governing Citizen Appointments to Agencies, Boards and Committee*.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Confirms that the Chebucto Community Council is the nominating and appointing body for members of the Purcell's Cove Servicing Study Community Steering Committee and for the adoption of the Terms of Reference for the Committee in accordance with the direction provided in the staff report dated January 24, 2011 and,
2. Amends Section 4.2 of the *HRM Public Appointments Policy* as outlined in Attachment 1 of this report.

## **BACKGROUND**

After careful deliberation, by way of motion on February 8, 2011 Regional Council initiated a servicing study to examine possible servicing scenarios in study areas 1 and 2 adjacent to the Purcell's Cove Road. The staff report dated January 24, 2011 outlined that, as part of the public consultation process, staff would "consult with a community Steering Committee as appointed by the Community Council, to determine servicing alternatives, size of service area, future land uses and community form, cost estimates and impacts on other existing infrastructure and related matters" (pg. 5).

The staff report went on to outline that the Community Steering Committee would be "comprised of property owners in the study area to act as liaison group for the consultants, receiving information and providing feedback, and assisting in preparing and conducting the public consultation phase of the study. The Steering Committee will be appointed by Chebucto Community Council" (pg. 6).

Due to a delay in initiating the process, the public process for establishing the Purcell's Cove Steering Committee was not put in place until November 2011.

In the interim Regional Council adopted the *Public Appointments Policy – Governing Citizen Appointments to Agencies, Board and Committees*, in order to standardize and provide transparency in the process of appointments to HRM's agencies, boards and Committees.

## **DISCUSSION**

The intent of the Community Council acting as the nominating and appointing body for the Purcell's Cove Servicing Study Community Steering Committee was clear, however, there was no formal motion of Council formally delegating that responsibility.

The matter of servicing is a significant issue in the Purcell's Cove Community. To ensure that the Committee has been established in accordance with *HRM's Public Appointment Policy* staff is recommending that a motion confirming the intent of Regional Council be adopted.

Further, it provides the opportunity for Regional Council to clarify the original intent of the Policy in regard to authority of Community Councils to act as nominating and appointing bodies for advisory committees to Community Councils in accordance with the powers of Community Councils under the HRM Charter, unless directed otherwise by motion of Regional Council.

## **BUDGET IMPLICATIONS**

None.

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**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**

Recruitment of members of the Purcell's Cove Community Steering Committee was undertaken by public advertisement.

**ALTERNATIVES**

None recommended.

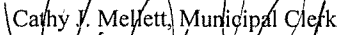
**ATTACHMENTS**

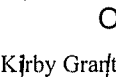
Attachment 1: Proposed amendment to *HRM Public Appointments Policy*, Section 4.2

Attachment 2: Staff Report dated January 24, 2011

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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.

Report Prepared by:  Cathy J. Mellett, Municipal Clerk – 490-6456

Report Approved by:  Kirby Grant, Senior Solicitor – 490-4226

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**Proposed amendment to *HRM Public Appointments Policy*, Section 4.2**

***4.2 Nominating body***

The term nominating body used in this policy refers to ~~the~~ *either a Community Council having the ability under the Charter to appoint advisory committees or to a Standing Committee of Council* delegated the responsibility by Council to recommend citizens for appointment.

*Council will determine, through the adoption of terms of reference for a Standing Committee or by delegating to a Community Council, the appropriate nominating body.* ~~Council determines by adoption of Standing Committee Terms of Reference and delegation of Authority to Community Councils as outlined under the HRM Charter the appropriate nominating body and~~ Council may choose, by motion, to change those determinations from time to time. The nominating body for HRM's Boards and Committee structure is outlined in APPENDIX A of this policy (as revised from time to time).



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
February 8, 2011

**TO:** Mayor Kelly and Members of Halifax Regional Council  
Original Signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Wayne Anstey, Acting Chief Administrative Officer

Original Signed by   
\_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** January 24, 2011

**SUBJECT:** Purcell's Cove Road Servicing

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**ORIGIN**

1. August, 2006: Regional Municipal Planning Strategy - Halifax Harbour Plan.
2. October 10, 2006 meeting of Halifax Regional Council: Petition tabled.
3. January 30, 2007 meeting of Halifax Regional Council: Information Report from staff indicating that further consultation with petition organizers would take place.
3. Public Information Meeting held on May 16, 2007.
4. Additional property owner canvassing by Petition Organizing Committee and subsequent provision of additional petitions.

**RECOMMENDATION**

It is recommended that Halifax Regional Council request staff to initiate a Planning and Engineering Study to determine the feasibility and costs associated with extending central sewer and water services along the Purcell's Cove Road to and including the community of Purcell's Cove, as discussed and per the Budget Implications section of this report.

## **BACKGROUND**

Central sewer and water service in the Purcell's Cove Road area currently terminates at Wenlock Grove in Boulderwood, a short distance from Williams Lake Road (see Map 1). Beyond Wenlock Grove, properties along Purcell's Cove Road and the community of Purcell's Cove itself are serviced by means of wells and septic tanks.

### **The Issue:**

Over the past decade or so, numerous property owners in this area have expressed concerns over the quality and quantity of their potable water supply. Correspondence has been received regarding periodic water shortages, salt water intrusion, and concern over the adequacy of sufficient supply for fire protection purposes.

The Royal Nova Scotia Yacht Squadron (RNSYS) and adjacent Saraguay Club are quasi-public facilities, both having restaurant services and the former being a renown sailing club that hosts many visiting sailors on yearly basis. These facilities obtain their potable water from Williams Lake, and although it is treated with chloride and UV-protected, there are numerous occasions during summer months when the drinking water is rendered unsafe due to high contaminant levels (fecal coliform). On a related note, it was recently announced that the RNSYS will be hosting the world disabled sailing championships in 2014.

The community of Purcell's Cove is a traditional historic seaside village. The older parts of the community are typified by small lots which would not meet today's on-site waste disposal system requirements, and there is concern that at some point in time, groundwater contamination may necessitate remedial measures to ensure a safe and sustainable potable water supply.

### **Petition Process:**

With some preliminary assistance from the District Councillor and staff, residents along Purcell's Cove Road and representatives of the RSNYS canvassed property owners during 2006, and on October 10<sup>th</sup> the petition was tabled at Regional Council and forwarded to staff. The petition was worded as follows:

*"We, the undersigned residents of Purcell's Cove Road, request that Halifax Regional Municipality (HRM) initiate a study to determine the total costs associated with extending central water and sewer services along Purcell's Cove Road, from Wenlock Grove to Purcell's Cove, and take action as soon as possible to supply these fundamental services."*

Upon staff's review of the petition, it was determined that the results were inconclusive. An Information Report was provided to Regional Council on January 30, 2007, indicating that further discussion with petition organizers should be undertaken to determine whether or not additional canvassing was warranted.

This led to the preparation of an explanatory letter from HRM staff to property owners and the scheduling of a public information meeting, held on May 16, 2007. The purpose of the meeting was to exchange information and help gauge the community interest in the potential servicing study. This meeting was informative but unfortunately did not provide staff with a clear indication as to whether area residents were agreeable to proceeding with the study. In order to help provide clarity, the organizers of the petition canvassed the area again. The results of that effort are included in the Discussion Section of this report.

**Planning Context:**

As part of the Regional Plan's Halifax Harbour Functional Plan (Section 5.5.2), the North West Arm area is to be the subject of a detailed planning process. This process is to address, among other components, the potential extension of central water and sewer services along the Purcell's Cove Road. It is also of note that the Regional Plan envisions, over the longer term, the potential for a fast ferry service connecting Purcell's Cove with downtown Halifax.

Under the Regional Plan, the Purcell's Cove Road area, beyond the service boundary at Wenlock Road, contains two future land use designations. Between Purcell's Cove Road and the waters of North West Arm, lands are under the "Harbour" designation. On the inland side of Purcell's Cove Road, lands are designated "Urban Reserve". The Harbour designation allows single unit development to occur based on on-site services. The Urban Reserve designation are lands that are set aside for potential long term future development.

In order to consider the servicing of portions of these lands with piped services, amendments to the Regional Plan and Regional Subdivision By-law will be required. However, as a first step, should Council wish staff to proceed on investigating this matter further, it is necessary to undertake a study entailing engineering and planning analyses, cost estimates, and consultation with property owners and the general public.

**DISCUSSION**

**Petition Results:**

Canvassing of property owners took place in 2006 and 2007, with follow-up inquiries by staff for certain major property owners in the area occurring over the subsequent period.

The following public roads were included in the area petitioned - Battery Drive, Oceanview Drive, Purcell's Cove Road and part of Rocklyn Road. The following private roads were included in the area petitioned - Boskebel Road, Boulderwood Road, Halls Road, Melvin Road, part of Rocklyn Road, Bluestone Drive, Keefe Road, and Umlahs Drive.

The outcome of the petition is different depending on the area canvassed. In order to provide Council with a better understanding of the outcome, staff have divided this area petitioned into

two smaller areas, as shown on Map 1. Area 1 includes the area adjacent to Purcell's Cove Road between Wenlock Grove and Oceanview Drive. Area 2 includes the area adjacent to Purcell's Cove Road between Oceanview Drive and Ferguson's Cove Road. The results were as follows:

**Purcell's Cove Road Petition Results**

	By Property		By Scaled	Frontage
	Yes	No*	Yes	No*
<b>Area 1</b> (Wenlock Grove to Oceanview Drive)	71 (65%)	38 (35%)	8030 (71%)	3240 (29%)
<b>Area 2</b> (Oceanview Drive to Ferguson's Cove Road)	27 (25%)	82 (75%)	1510 (18%)	7110 (82%)
<b>Total:</b> Areas 1 and 2	98 (45%)	120 (55%)	9540 (48%)	10350 (52%)

\* No includes property owners that stated 'no', those that did not reply and those who could not be reached.

For Area 1, 65 % of respondents are in favour of HRM undertaking the study to determine the costs of extending services along Purcell's Cove Road. However, for Area 2, 75 % of respondents are not in favour of proceeding with the study. The overall result for the two areas combined indicates that 45 % are in favour of the study while 55 % are against proceeding.

Staff of HRM and Halifax Water have discussed the results of the petition with respect to how best to proceed. Discussions have also occurred with the petition organizing committee and the District Councillor. Based on this analysis, staff is recommending that Council undertake the Engineering and Planning Study for the entire area, but that it be broken down into two components or phases. The first priority/phase would entail a land use planning exercise, servicing scheme and associated cost estimates for Area 1 (lands along Purcell's Cove Road as far as Oceanview Drive). Area 2 would be studied in a similar manner but as a second phase, in that it may be quite some time before municipal servicing is extended to this area. Staff feel it is prudent for both areas to be studied concurrently so that any servicing system design for Area 1 takes into account the servicing implications for Area 2.

Staff also suggest that the proposed Engineering and Planning Study will *not* propose that the Purcell's Cove Road area become a major new growth area for the municipality as this would be inconsistent with the policies and intent of the Regional Plan. Issues such as extensive environmentally sensitive lands, steep topography, existing community form and road network



capacity issues are reasons why the area should be maintained for relatively low growth. Thus, the lands for potential central servicing should be kept relatively confined.

From a servicing perspective there are a number of possible ways to service this area, which the study will explore. Any servicing scenario that utilizes existing sewer infrastructure will need to identify the costs (if any) to upgrade existing infrastructure in order to accommodate flows from the study area.

With regard to process, should Council authorize the Engineering and Planning Study, staff suggest that consultants be retained to undertake the following program:

- Work with a Technical Project Team comprised of applicable HRM Business Units and Halifax Water;
- Undertake a general investigation and report related to existing problems/issues and opportunities within the study areas;
- Consult with a Community Steering Committee as appointed by Community Council, to determine servicing alternatives, size of service areas, future land uses and community form, cost estimates, impacts on other existing infrastructure and related matters; and
- At appropriate stages, conduct consultation with other property owners and the general public.

When complete, the Study will be presented to Community Council and Regional Council, at which time a determination will be made to proceed to a formal Local Improvement Charge By-law process and Municipal Planning Strategy/Land Use By-law amendment process.

### **BUDGET IMPLICATIONS**

Staff suggests that the cost for completing the Engineering and Planning study is in the area of \$100,000. The cost for the work will be funded through Project Account CDV00723 (Halifax Harbour Plan). Budget Availability has been confirmed by Financial Services.

#### **Budget Summary:**

Project Account No. CDV00723 - Halifax Harbour Plan	
Cumulative Unspent Budget	\$108,681.48
Less: Proposed costs	<u>\$100,000.00</u>
Balance	\$8,681.48

Council is also aware that should it eventually approve the extension of central services along the Purcell's Cove Road, those property owners receiving the services will bear the total cost, unless Council allocates funding to the project and/or unless external sources of funding are secured.

## **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**

Should Council authorize undertaking the study, community engagement will take place by means of:

- **Community Steering Committee:** Comprised of property owners in the study area to act as the liaison group for the consultants, receiving information and providing feedback, and assisting in preparing and conducting the public consultation phase of the study. The Steering Committee will be appointed by Chebucto Community Council.
- **Public Consultation:** At appropriate stages of the study, property owners and the general public will be invited to receive updates on the progress of the work and provide comment. Such sessions, to be planned with the assistance of the Community Steering Committee, may take the form of public meetings, open houses, workshops, or combination of the foregoing.

Council will be informed of the outcome of the study and its recommendations. Council will then determine how staff is to proceed.

## **ATTACHMENTS**

Map 1: Purcell's Cove Road Servicing

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> 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: Roger Wells, Supervisor, Regional and Community Planning, 490-4373

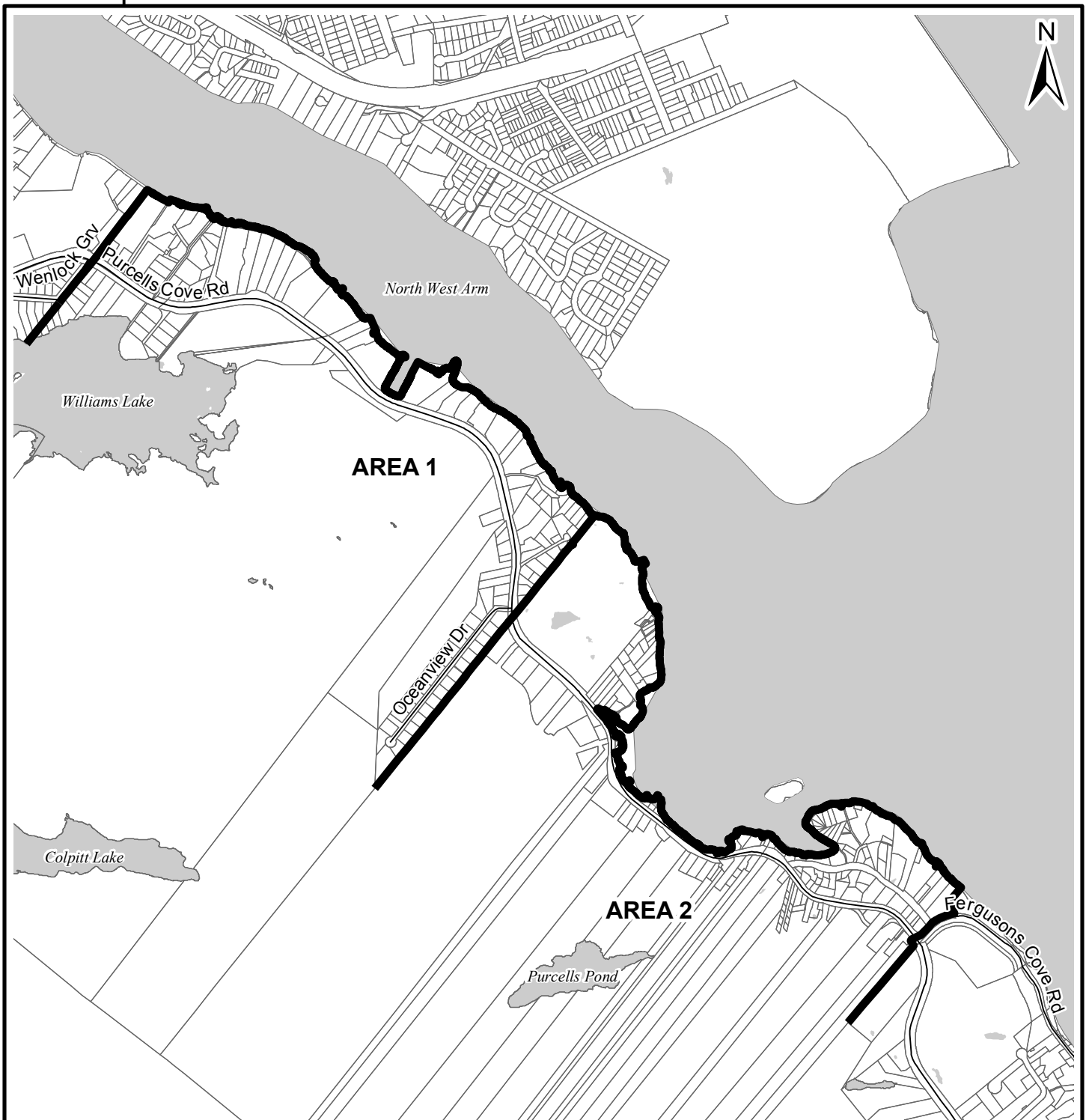
Report Approved by: Austin French, Manager, Planning Services, 490-6717

Financial Approval by: Cathie O'Toole, CGA, Director of Finance

Report Approved by: Paul Dunphy, Director, Community Development

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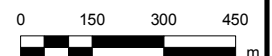
# Map 1



## Purcell's Cove Road Servicing

- Study Areas
- Property Boundaries

**HALIFAX**  
REGIONAL MUNICIPALITY  
REGIONAL AND COMMUNITY  
PLANNING SERVICES



Halifax  
Plan Area

HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.