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**Item No. 15.1.2**  
**Halifax Regional Council**  
**September 9, 2025**

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

**FROM:** August 12, 2025

**SUBJECT:** **PLPROJ-2024-01075: Dartmouth Cove Water Lots**

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**ORIGIN**

**November 14, 2023, Halifax Regional Council motion (Item 15.1.2):**

MOVED by Councillor Mason, seconded by Councillor Cuttell

THAT Halifax Regional Council direct the Chief Administrative Officer to:

3. Request that staff engage with the federal government to explore the Minister's willingness to adopt or otherwise permit further restrictions with respect to infilling in Dartmouth Cove and prepare a supplemental staff report regarding the initiation of by-law amendments to the Regional Centre Secondary Municipal Planning Strategy to restrict water lot infilling in Dartmouth Cove.

MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY

**June 18, 2024, Halifax Regional Council motion (Item No. 15.3.1):**

MOVED by Councillor Austin, seconded by Councillor Mancini

Halifax Regional Council direct:

1. That the Mayor write the Federal Minister of Transport expressing HRM's objection to Transport Canada's recent approval of infill in Dartmouth Cove without consultation with HRM and requesting that the Department rescind or pause the approval to allow HRM sufficient time to bring in a bylaw.
2. That the Mayor write the Federal Minister of Fisheries thanking the Department for extending the consultation period for Dartmouth Cove and requesting that the Department wait on granting any permits in Dartmouth Cove until HRM can bring in a by-law; and
3. The Chief Administrative Officer to prepare a staff report with respect to initiating amendments to the Regional Centre Plan and Land-Use By-law to impose restrictions on infilling water lots in Dartmouth Cove like those that exist already in the Northwest Arm.

MOTION PUT AND PASSED

**RECOMMENDATION ON PAGE 3**

**August 6, 2024, Halifax Regional Council motion (Item No. 15.1.4)**

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Halifax Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Regional Municipal Planning Strategy, the Regional Centre Secondary Municipal Planning Strategy, and the Regional Centre Land Use By-law to restrict water lot development and infilling in Dartmouth Cove.
2. Follow Administrative Order 2023-002-ADM, the Public Participation Administrative Order.

MOTION PUT AND PASSED

**EXECUTIVE SUMMARY**

Issues related to the infilling and development of water lots along Dartmouth Cove have been the subject of continued interest by both Council and the public. Following Council's August 2024 initiation, staff have assessed the feasibility of adopting similar regulations for 9 water lots in Dartmouth Cove to those that currently apply in the Northwest Arm. These regulations consist of two layers:

- (1) Since 2007, the Water Access (WA) Designation and Zone have discouraged infilling in the Northwest Arm by restricting post-infill uses to boating clubs, conservation areas, parks, water access structures, historic sites or monuments, temporary construction, ferry terminals, and utilities, while also imposing additional controls such as an 11 m maximum building height; and
- (2) As of January 9, 2024, Regional Council has required a municipal development permit to infill the Northwest Arm, with permits only issued for public infrastructure, utilities, publicly owned or operated ferry terminals, parks on public land, historic sites or monuments, and retaining walls. Regulating the act of water lot infilling requires support from the federal government.

In reviewing potential regulations for Dartmouth Cove, Council may wish to consider further amendments improving the management of water lots once they are infilled; however, regulating the act of infilling itself would be premature at this time, given the lack of provincial and federal support in this area of the municipality. As a result, this report does not propose recommendations which restrict the act of infilling within Dartmouth Cove.

Given the ongoing [Downtown Dartmouth Waterfront Revitalization \(DDWR\) Project](#), staff recommend that the best approach at this time is to defer consideration of any amendments to the Regional Centre Secondary Municipal Planning Strategy (Centre Plan) and Regional Centre Land Use By-law (By-law) concerning the Dartmouth Cove water lots to the Downtown Dartmouth Waterfront Revitalization (DDWR) Project. The DDWR Project will develop a Conceptual Development Plan including potential development opportunities, open space and emergency access improvements for the waterfront. In pursuit of these objectives, and as required, the Project may also explore potential strategic infill along the waterfront. This project is underway and expected to be completed by the end of 2026.

This report also outlines other considerations for Council related to projects and municipal initiatives in the area, including the Dundas Street development charges, updates on Sulfide-Bearing Material Management Issues and Alternatives, and others, as detailed in Attachment H. Should Council wish to proceed with water lot development regulations for Dartmouth Cove, two alternatives are provided:

- 1) Advance Water Access (WA) Designation and Zoning:** Council could move forward with amendments to the By-law to apply only the first layer of regulations to Dartmouth Cove, which would

regulate water lot development by designating/re-designating and zoning/re-zoning the 9 water lots to the Water Access (WA) Designation and Zone. The amendments include creating the Dartmouth Cove (DC) Special Area, establishing a shoreline reference line, and updating designations, zoning, and maximum building height precincts.

- 2) Advance Water Access (WA) Designation and Zoning with Modifications:** Council could move forward with modified amendments to the planning documents that would still introduce water lot regulations but include changes to policies or regulations, or the addition or removal of impacted properties.

These alternatives have identified risks and challenges which are explained in the Discussion section of this staff report.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council defer consideration of any amendments to the Regional Centre Secondary Municipal Planning Strategy and Regional Centre Land Use By-law concerning the Dartmouth Cove water lots until such time that the Downtown Dartmouth Waterfront Revitalization (DDWR) Project has returned to Regional Council for consideration.

### **BACKGROUND**

Dartmouth Cove is part of Halifax Harbour and is currently impacted by 9 water lots (see Map 1), which cover a combined area of approximately 4.52 hectares. A water lot, under the By-law, is defined as:

*“any lot or portion of a lot located on a lake or on the Halifax Harbour, the title of which is separately conveyable, and that is normally fully or partly submerged under water.”*

Known as pre-confederation water lots, water lots that existed prior to Confederation in 1867 can typically be infilled with various natural material (rocks and soil) and become land if the owners obtain the proper federal approvals. Due to a lack of municipal jurisdiction, zoning is typically not applied to water lots. However, once a water lot is infilled and joined to the shoreline, it then falls under municipal jurisdiction from the aspects of land use control.

Issues related to the infill of water lots along Dartmouth Cove have been the subject of continued interest by both Council and the public. In general, concerns have been expressed about the following matters:

- loss of harbour views along the Trans Canada Trail;
- loss of a natural asset;
- loss of navigability;
- increased truck traffic during the infilling period impacting access/usability of the trail, active transportation, and outdoor recreation;
- potential impacts on research activities at the Centre for Ocean Ventures & Entrepreneurship (COVE); and
- potentially negative environmental impacts.

Conversely, if well-managed, water lot infilling also can provide several benefits, including:

- opportunities for waterfront economic growth and development, such as open space improvements and potential for mixed-use development;
- possible trail development and improved emergency access; and
- support for a working waterfront and marine-dependent uses, including the potential disposal of Sulphide-Bearing materials.

Jurisdiction over water lot infilling in Halifax Harbour rests with the Federal Government through Transport Canada and Fisheries and Oceans Canada (DFO). Under the *Canadian Navigable Waters Act* (CNWA), Transport Canada ensures that infilling does not significantly impede navigation, requiring its approval only when navigation is affected. DFO, through the Fish and Fish Habitat Protection Program, assesses projects for potential impacts on fish and fish habitat, with the *Fisheries Act* providing mechanisms to allow infilling while ensuring environmental protection. DFO may authorize the harmful alteration, disruption, or destruction (HADD) of fish habitat if deemed appropriate under the circumstances.

In correspondence dated March 4, 2024, the then Minister of Transport Pablo Rodriguez wrote to local Member of Parliament Darren Fisher to acknowledge an intention to collaborate with the Municipality on the regulation over infilling in Halifax Harbour. Since receiving this letter, municipal staff have actively engaged with federal staff from both Transport Canada and DFO to seek clarity on the federal position. Through these follow-up discussions, federal staff have indicated that their position remains under review regarding water lot infilling in Dartmouth Cove.

On August 6, 2024, Regional Council initiated a process to consider amendments to the Regional Municipal Planning Strategy (Regional Plan), Centre Plan and By-law to restrict water lot development and infilling, reflecting the evolving federal position and the need for municipal direction. This report responds to this Council direction and recommends referral of amendments to the planning documents to the DDWR Project.

**Site Context**

<b>Subject Site &amp; Location (Map 1)</b>	The subject water lots are located within Dartmouth Cove (PID's 41164278, 00381228, 40612384, 40612376, 41127036, 00097550, 00114132, 41374018, and 40612996)
<b>Regional Plan Designation</b>	Halifax Harbour
<b>MPS Designation (Map 2)</b>	The abutting lands and some portions of the water lots are designated PCF (Park and Community Facility), FGN (Future Growth Node), and D (Downtown)
<b>Zoning (Map 3)</b>	The abutting lands and some portions of the water lots are zoned PCF (Park and Community Facility), CDD-2 (Comprehensive Development District 2), and DD (Downtown Dartmouth)
<b>Size of Site</b>	Approximately 4.52 hectares
<b>Street Frontage</b>	N/A
<b>Current Land Use(s)</b>	Navigable waters
<b>Surrounding Uses(s)</b>	Various residential, commercial, marine-related, research and development facility, and park uses.

The following table provides the ownership and lot area for each water lot in Dartmouth Cove identified on Map 1:

<b>Lot Number</b>	<b>PID</b>	<b>Ownership</b>	<b>Lot Area (m<sup>2</sup>)</b>
1	41164278	The Anchorage at Dartmouth Cove Property Development Inc.	5381.01
2	41374018	The Anchorage at Dartmouth Cove Property Development	1228.80

		Inc.	
3	00381228	Duck Rock Holdings Incorporated	3877.27
4	40612384	Smithers Marine Services Limited	1930.36
5	40612996	Smithers Marine Services Limited	176.37
6	40612376	Smithers Marine Services Limited	1331.80
7	41127036	Halifax Regional Municipality	1496.93
8	00097550	Build Nova Scotia	4519.43
9	00114132	4197847 Nova Scotia Limited	25314.68

<b>Total Lot Area (m<sup>2</sup>)</b>	45256.66
<b>Total Lot Area (ha)</b>	4.52

### **Downtown Dartmouth Waterfront Revitalization (DDWR) Project**

In January 2023, the Community Planning and Economic Development Standing Committee (CPED) requested that staff explore creating an Open Space Plan for the Dartmouth Waterfront, in collaboration with rightsholders and community groups. To advance this work, staff recommended hiring a consultant to develop a plan that reimagines the waterfront with vibrant, pedestrian-friendly gathering spaces and development opportunities, stronger active transportation links, and a distinctive sense of place.

Building on this direction, Regional Council endorsed the Downtown Dartmouth Waterfront Revitalization (DDWR) Project on March 5, 2024. The project aims to enhance access, connectivity, cultural activity, land use, and development opportunities along the Dartmouth Waterfront. The project will develop a Conceptual Development Plan to guide the planning, design, and implementation of park and public space features, mobility connections, a multi-functional (multi-use) emergency access route to support the waterfront, and new development opportunities. The DDWR project has completed Phase 1 engagement and will continue consultation through summer 2026, with work extending into the fall and winter of that year.

### **Northwest Arm - Approach to the Regulation of Water Lot Development and Infilling**

The Northwest Arm water lot regulations have two distinct layers. The first layer of regulations has been in force since 2007, and applies the Water Access Designation and Water Access Zone to the water lots within the Northwest Arm. The Water Access Designation and Zone act as a disincentive to water lot infilling by limiting the permitted land uses of the water lots once infilled to a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use. The Water Access Zone also applies other controls to water lots including a maximum building height precinct of 11 metres.

The second layer of regulations on the Northwest Arm, adopted by Regional Council on January 9, 2024, regulates the act of water lot infilling itself by requiring the issuance of a municipal development permit before a water lot can be infilled and limits the reasons for issuing such a development permit to infilling activities related to: the development of public infrastructure; utility uses; publicly owned or operated ferry terminals; parks on public land; municipal, provincial, and national historic sites and monuments; and retaining walls. Regulating the act of water lot infilling requires support from the federal government.

### **Policy and By-law Context**

#### Regional Plan – Water Lots:

The current Regional Municipal Planning Strategy (Regional Plan; 2014) states the following under Section 2.3.3 regarding water lots:

*“HRM recognizes that development and water lots that have been infilled may result in undesirable impacts on the marine environment and the aesthetic character of the surrounding environment.*

*E-20 HRM may, through secondary planning strategies and land use by-laws, consider measures to regulate development of water lots that have been infilled, including establishing setbacks of buildings and structures from the water.”*

Policy E-20 of the Regional Plan responds to circumstances that existed at that time of the plan’s adoption in 2014. At the time, the Municipality did not have any jurisdiction in prohibiting water lot infilling. However, Policy E-20 does not preclude the Municipality from taking further action through secondary municipal planning strategies and land use by-laws if circumstances were to change.

Further, Section 5.3.4 of the Regional Plan speaks to the importance of Halifax Harbour and supports maintaining a working harbour. More specifically, it states the following:

*“Halifax Harbour plays a strategically important economic role to HRM and the Province of Nova Scotia for shipping, ship building, naval operations and other port related industries. HRM seeks to ensure that sufficient lands are retained for these purposes and that the viability of these activities is not compromised by development of incompatible uses in their proximity.”*

To support the intent of the Regional Plan, Policy EC-12 establishes a Halifax Harbour Designation:

*“HRM shall establish a Halifax Harbour Designation which extends from Hartlen Point in Eastern Passage to Chebucto Head, including Northwest Arm and Bedford Basin, and extends inland generally to the first major roadway paralleling the Harbour, as shown on the Generalized Future Land Use Map (Map 2). The Designation shall support a range of development opportunities including marine-dependent industrial and commercial uses, transportation uses and facilities including ferries, recreational uses, residential uses, institutional uses and matters related to environmental improvement and protection.”*

General Policy Context – DDWR Project:

Current planning policies in the Centre Plan envision the Dartmouth Waterfront as a vibrant, mixed-use area that can accommodate and support a range of residential and mixed-use growth, along with parks and open spaces, harbour-oriented commercial and industrial activities, and institutional uses to support a growing population. These policies are reinforced by the Municipality’s Priority Plans, which emphasize improving access to the waterfront. Key policy objectives include expanding active transportation networks, strengthening open space connections, celebrating and preserving cultural landscapes, enhancing emergency management and communication, and creating economic and social benefits for the community.

Regional Centre SMPS and LUB – Water Lots:

The Regional Centre SMPS and LUB designate and zone the lands around Dartmouth Cove as Downtown Dartmouth (DD), Future Growth Node (FGN) and Comprehensive Development District 2 (CDD-2), and the Park and Community Facility (PCF) designations and zones.

The DD Zone applies to lands located in the Downtown Dartmouth area of the Regional Centre. The DD Zone permits a wide range of land uses, including residential, commercial, institutional, cultural, park and community facility, and urban agricultural uses. The CDD-2 Zone applies to sites that are intended to be developed into large-scale mixed-use communities. In this zone, the only developments permitted without a development agreement would be limited to commercial uses and institutional uses permitted in the CEN-2 Zone, and any new building or an addition to an existing building would be limited to a floor area of 1,000 square metres. The PCF Zone applies to municipal parks, community facilities and club recreation uses

located within a predominantly park and open space setting. The PCF Zone permits a range of park and community facility uses, institutional uses, and accessory uses.

## **DISCUSSION**

### **Downtown Dartmouth Waterfront Project and Recommended Approach**

As part of the DDWR Project, staff will undertake a comprehensive review of the existing conditions, opportunities, and constraints along the waterfront. This work will assess and provide recommendations on improvements to park and public space features, mobility connections, and emergency access. To support these improvements the project will also explore opportunities for new development.

Through early engagement, various groups have expressed interest in improving the waterfront. However, the rail line running parallel to the shoreline presents a long-standing challenge. It restricts development on the water side, creates fragmented open space, and limits emergency access. Staff's preliminary review suggests that establishing a continuous, multi-functional emergency access route with strategic grade-separated crossings should be a priority for improving access and activity along the waterfront.

To advance the DDWR Project's goals and enhance the waterfront, this work may identify opportunities for future strategic infilling. Any future adjustments will continue to consider and support the municipal environmental and economic development objectives set out in the Regional Plan and priority plans. However, until potential opportunities for improvement are identified, staff recommend including any consideration of amendments regarding the Dartmouth Cove water lots to the DDWR Project.

### **Reasons for Not Proceeding Ahead with Restrictions on Water Lot Infilling**

#### **Federal Government Jurisdiction:**

Amendments prohibiting most infilling activities of water lots require the Federal Government's support. For the Northwest Arm amendments, adopted by Regional Council on January 9, 2024, Justice Canada, on behalf of Transport Canada, indicated a willingness to recognize or otherwise permit a limited jurisdiction for the Municipality over infilling on the Northwest Arm. In June 2024, at Council's request (motion under Item No. 15.3.1), former Mayor Savage sent two letters, one to each of the Federal Minister of Transport and the Federal Minister of Fisheries, expressing HRM's objection to infilling in Dartmouth Cove without municipal consultation. Letters from former Mayor Savage to DFO and Transport Canada, dated June 26, 2024, as well as a response from DFO, dated August 14, 2024, are included in Attachment A of this report.

In the case of the Northwest Arm, staff of Justice Canada indicated a willingness to recommend to the Minister the issuance of conditional approvals under the CNWA over water lot infilling activities. With this approach, Ministerial approvals require applicants to be compliant with the Municipality's land use regulations. To date, Justice Canada has only committed to a conditional approval process under the CNWA applying to water lot infilling activities over the Northwest Arm and not the other portions of Halifax Harbour.

The Municipality did not receive any written communication from either the Minister of Transport or Justice Canada indicating support for the Municipality moving forward with restrictions on the infilling of water lots in Dartmouth Cove.

#### **Department of Municipal Affairs:**

Any new municipal planning strategy or amendments adopted by Council must be reviewed by the Provincial Director of Planning. The purpose of this review is to assess any proposed policy or amendment for consistency with the *Statements of Provincial Interest*, conformity with applicable provincial statutes and regulations, and alignment with broader provincial interests. Should the Provincial Director of Planning identify a conflict in any of these areas, the matter must be referred to the Minister of Municipal Affairs for consideration. In such cases, the amendment will require the Minister's approval prior to coming into effect.

In April 2024, at Council's request, the CAO sent a letter to the Minister seeking clarification on the Department's position regarding Dartmouth Cove and the response did not indicate whether the Provincial Director of Planning or Minister would support potential amendments to restrict infilling. Letters from the CAO to the Minister, dated May 13, 2024, and the Province's response, dated August 23, 2024, are included in Attachment B of this report.

### **Going Forward: Intergovernmental Relationships and Future Collaboration**

Relationship-building and collaboration are important components when dealing with issues having multi-jurisdictional impact, such as water lot infilling. Staff support an approach that allows for targeted legislative and policy amendments, while strengthening advocacy and collaboration with the federal and provincial governments.

- 1) Federal Level: Building on the precedent set for the Northwest Arm, there is an opportunity to strengthen and continue dialogue with Transport Canada, and advocate for expanding conditional approval authority under the CNWA to Dartmouth Cove and other areas of Halifax Harbour. This option can be explored in greater detail as part of the DDWR Project.
- 2) Provincial Level: Engaging the Provincial Director of Planning early in the development of municipal planning amendments will help ensure alignment with the *Statements of Provincial Interest* and relevant laws and regulations. This early coordination can reduce the risk of conflicts that may delay or prevent amendments from taking effect.

Proactive, transparent communication will further strengthen intergovernmental relationships. Sharing progress on municipal waterfront initiatives, such as the DDWR Project, will demonstrate the Municipality's commitment to responsible shoreline management, integrated planning, and alignment with broader government objectives. Halifax Harbour is a shared public asset, and coordinated governance is essential to balancing development opportunities with environmental protection, climate resilience, public access, and heritage preservation.

With regards to options for approaching management of sulphide-bearing material (pyritic slate) infill, staff will provide further information in a separate report to Council.

### **Alternatives**

The following sections provide details relating to Alternatives 1 and 2 should Council choose to proceed with either one of the options:

#### **Alternative 1 – Advance Amendments to Apply the Water Access (WA) Designation and Zoning**

The Centre Plan sets the goals, objectives, and direction for long-term growth in the Municipality. Amendments to municipal planning strategies are significant undertakings that Council is under no obligation to consider, and should only be pursued within the broader planning context when circumstances have changed since the strategies were adopted or last reviewed. In this case, Council may consider applying the first layer of regulations to restrict water lot development in Dartmouth Cove, similar to those adopted for other water lots in the Regional Centre (Northwest Arm in 2007, Lake Banook in 2021, and Lake Mic Mac in 2021). The amendments, as set out in Attachments F and G, include:

1. Creating the Dartmouth Cove (DC) Special Area: A new Special Area would be established for Dartmouth Cove (Attachments G-3).
2. Defining a Shoreline Reference Line: A static reference line approximating the current Dartmouth Cove shoreline would be applied to eight of the nine water lots (see Attachment G-6).
3. Updating Designations, Zoning, and Maximum Building Height Precincts: The WA (Water Access)

Designation would be applied to previously undesignated water lots (Attachment F-1), and portions of water lots extending beyond the shoreline reference line would be re-designated to WA (Water Access) (Attachment F-2). Likewise, the Water Access (WA) Zone would be applied to previously unzoned water lots (Attachment G-1), and portions of water lots extending beyond the shoreline reference line would be rezoned to WA (Water Access) (Attachment G-2). The water lots would also be assigned a consistent Maximum Building Height Precinct of 11 metres (Attachments G-4 and G-5).

Attachment H provides a list of related municipal projects and initiatives in the Dartmouth Cove area. Attachment I includes a comparison between the current land uses permitted on infilled water lots and the land uses that would be permitted under the WA Zone.

#### Associated Risks with Alternative 1

Proceeding with amendments to apply the Water Access (WA) Designation and Zone to the Dartmouth Cove water lots before the completion of the DDWR Project carries several risks. Without written federal and provincial support, the Municipality cannot fully regulate the act of infilling itself, which may lead to enforcement challenges and undermine the effectiveness of the amendments. In addition, lack of provincial support could delay the implementation of amendments, creating uncertainty for stakeholders and potentially impacting investment decisions. Advancing the amendments prematurely could also risk preempting the outcomes of the DDWR Project's comprehensive land use review, public engagement, and emergency access planning. This could potentially result in regulations that conflict with the final waterfront vision and require further amendments as part of the project.

#### **Alternative 2 – Advance Amendments to Apply the Water Access (WA) Designation and Zoning with Modifications**

Council may consider advancing amendments to the Regional Centre SMPS and LUB with modifications. This could involve changes to the proposed policies or regulations, or the addition or removal of impacted properties. If this approach is chosen, Council would need to provide specific direction on the requested modifications, and staff would prepare a supplementary report for consideration.

#### Associated Risks with Alternative 2

Advancing modified regulations without alignment with the DDWR Project could lead to conflicts with future plans for land use, open space, and emergency access, potentially requiring further amendments. The lack of provincial support for applying the WA Zone means that even modified regulations will face challenges to effectively manage infilling activities, limiting enforcement and regulatory certainty. In addition, changes to boundaries or provisions could raise equity and fairness concerns among stakeholders. This approach, similar to Alternative 1, risks fragmenting waterfront planning efforts and potentially hindering the development of a cohesive, long-term vision for the area.

#### **Conclusion**

Issues related to infilling and development of Dartmouth Cove water lots have prompted Council to consider adopting regulations similar to those applied in other areas like the Northwest Arm, which restrict post-infill uses and require permits for infilling activities. However, due to the absence of federal and provincial support, and the ongoing work through the DDWR Project, staff recommend deferring any amendments to the Regional Centre SMPS and LUB until the DDWR Project is complete and the initiatives can be aligned. While two alternatives to advance amendments are available to Council, both carry risks including potential conflicts with future planning outcomes and enforcement challenges. Deferral will ensure a coordinated, comprehensive approach that supports a cohesive long-term vision for Dartmouth Cove.

#### **FINANCIAL IMPLICATIONS**

The HRM costs associated with this planning project can be accommodated within the approved 2025-

2026 operating budget for Planning and Development.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendation contained within this report. This report identifies alternative amendments, and risks associated are as identified in the Discussion section. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Regulatory and Appeals Board. Information concerning risks and other implications of adopting the alternative amendments is contained within the Discussion section of this report.

### **COMMUNITY ENGAGEMENT**

The community engagement process aligns with the objectives outlined in the Public Participation Administrative Order (2023-002-ADM), *the HRM Charter*, and the Public Engagement Guide. The engagement level was consultation, achieved by sharing information and soliciting feedback through the HRM website and letters mailed to 1,700 property owners and residents within the notification area (as shown on Map 1).

A total of 345 individuals submitted emails, and 17 telephone calls were received. Of those who contacted Planning and Development, 338 expressed support (326 via email and 12 via phone) for restricting water lot development and infilling, while 17 were opposed (16 via email and 1 via phone). Seven individuals (3 via email and 4 via phone) did not indicate support or opposition. A summary of public comments is provided in Attachment C of this report.

Three property owners, representing 6 of the 9 impacted water lots, submitted letters opposing restrictions on water lot development and infilling. Letters from impacted water lot owners are provided in Attachment D of this report. Attachment E provides a summary of the concerns and comments from water lot owners in Dartmouth Cove (related to Alternative #1), as well as staff's response to these comments and concerns. The owners of the remaining 3 properties did not provide comments.

In consultation with HRM's Office of Diversity and Inclusion, letters and emails were sent to Kwilmu'kw Maw-klusuaqn (KMKNO) and the Chiefs of the following 13 Mi'kmaq First Nations: Annapolis Valley First Nation, Bear River First Nation, Eskasoni First Nation, Glooscap First Nation, Paq'tnkek Mi'kmaw Nation, Pictou Landing First Nation, Potlotek First Nation, Wagmatcook First Nation, Wasoqopa'q (Acadia) First Nation, We'koqma'q L'nue'kati, Sipekne'katik First Nation, Millbrook First Nation, and Membertou First Nation. The HRM has received correspondence from KMKNO, who have expressed that the Mi'kmaq support the preservation of the environment and support the restrictions proposed to development and infilling of water lots in Dartmouth Cove. They have requested a meeting to better understand the project and how we can work together to preserve the Dartmouth Cove marine environment.

Should Council choose to advance the alternative amendments, a public hearing must be held. If Council decides to proceed with the hearing, a notice will be published on the Municipality's website at least seven days in advance. Additionally, property owners within the notification area shown on Map 1 will be notified by regular mail, and Mi'kmaq First Nations Chiefs involved in the community engagement phase will also receive notification.

### **ENVIRONMENTAL IMPLICATIONS**

There are several potential environmental impacts related to the infilling of water lots, including: increased risk from storm surge, wave run up, and sea level rise; increased risk of coastal flooding; the destruction of coastal ecosystems; alterations to coastal dynamics, such as waves, tides, wind, currents, and sediment supply; increased risk of coastal erosion; loss of fish and fish habitats; higher sedimentation levels; and other adverse effects on water quality. These environmental impacts, which are primarily issues outside of municipal jurisdiction, will be further investigated as part of the DDWR Project.

## **ALTERNATIVES**

Halifax Regional Council may choose to:

1. Give First Reading to consider amendments to the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law, as set out in Attachments F and G of this report, to manage water lot development in Dartmouth Cove through the Water Access (WA) Designation and Zone, and schedule a public hearing.
2. Advance and modify the amendments to the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law, set out in Attachments F and G of this report. This could include changes to the policies or regulations, including the addition or removal of impacted properties. If this alternative is chosen, specific direction regarding the requested modifications, as well as a supplementary report may be required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Regional Council to approve or refuse the proposed amendments is not appealable to the Nova Scotia Regulatory and Appeals Board as per Section 262 of the *HRM Charter*.

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter)*, Part VIII, Planning and Development

## **ATTACHMENTS**

Map 1: Location and Notification

Map 2: Generalized Future Land Use

Map 3: Zoning

Attachment A: Letters from Former Mayor Savage to DFO and Transport Canada, and DFO's Response (3 pages)

Attachment B: Letters from HRM CAO to Province, and the Province's Response (2 pages)

Attachment C: Summary of Community Engagement Comments

Attachment D: Correspondence from Water Lot Owners

Attachment E: Summary of Concerns and Comments from Water Lot Owners within Dartmouth Cove (Related to Alternative #1)

Attachment F: Alternative Amendments to the Regional Centre Secondary Municipal Planning Strategy

Attachment F-1: Amendments to Map 1: Urban Structure Designations

Attachment F-2: Amendments to Map 1: Urban Structure Designations

Attachment F-3: Amendments to Map 4: Maximum Building Height Precincts

Attachment F-4: Amendments to Map 4: Maximum Building Height Precincts

Attachment G: Alternative Amendments to the Regional Centre Land Use By-law

Attachment G-1: Amendments to Schedule 2: Zone Boundaries

Attachment G-2: Amendments to Schedule 2: Zone Boundaries

Attachment G-3: Amendments to Schedule 3E: Watercourse Special Areas

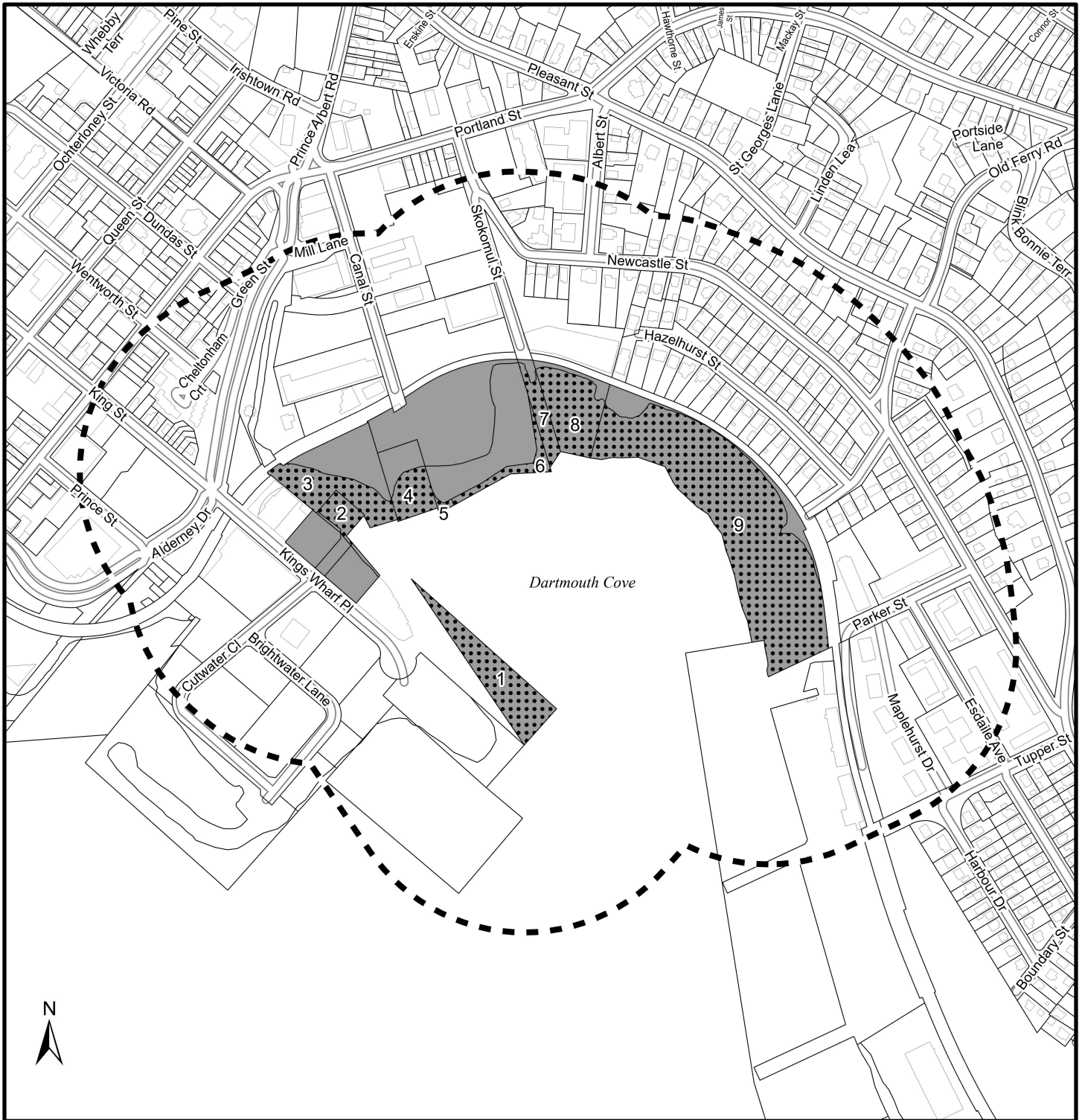
Attachment G-4: Amendments to Schedule 15: Maximum Building Height Precincts

Attachment G-5: Amendments to Schedule 15: Maximum Building Height Precincts

Attachment G-6: Schedule 53: Reference Line – Dartmouth Cove

Attachment H: Other Related Projects in Dartmouth Cove

Attachment I: Comparison Between Enabled and Alternative Zones and Land Uses



### Map 1 - Location and Notification Area

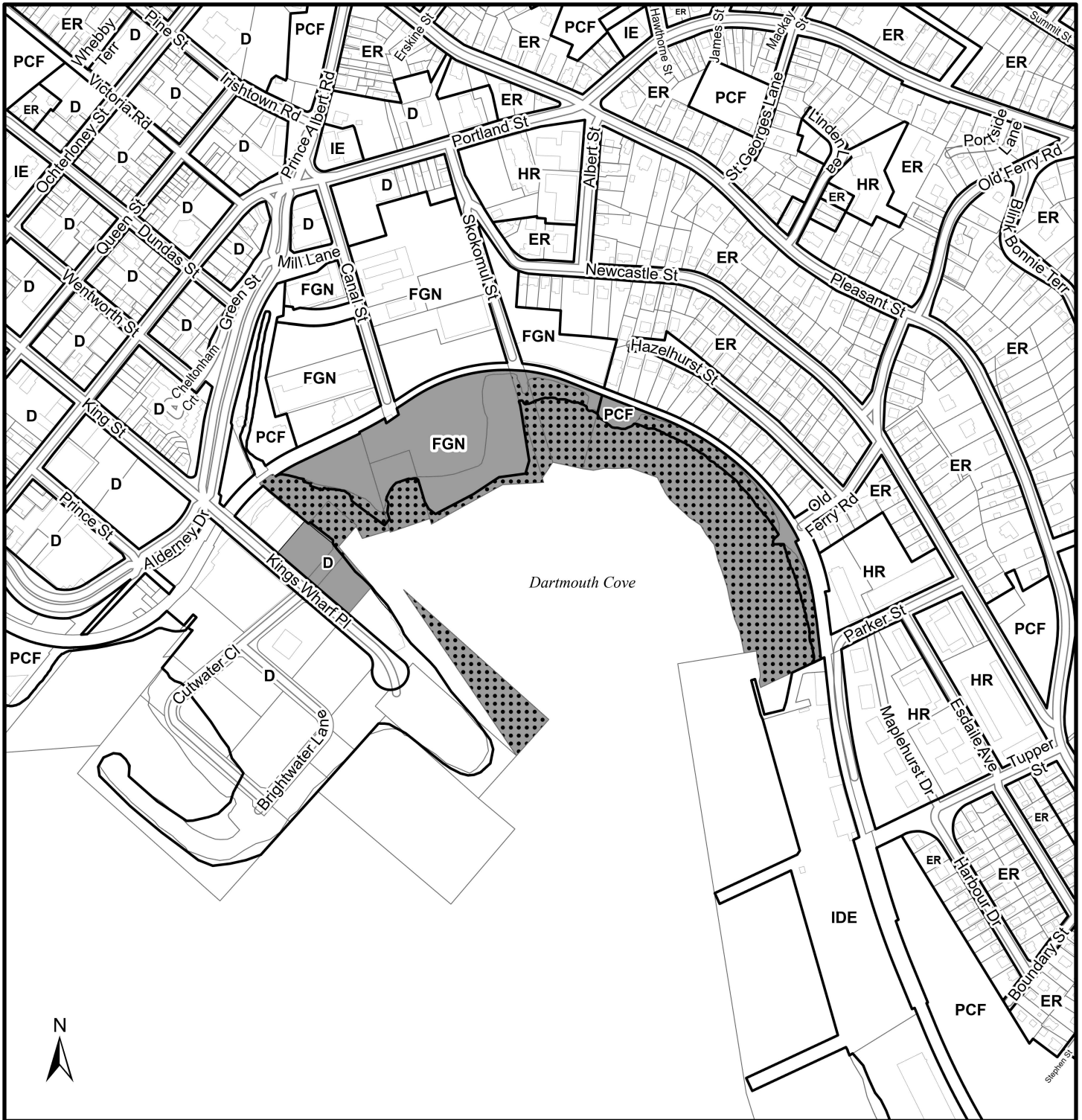
Dartmouth Cove,  
Dartmouth

**HALIFAX**

-  Subject Areas (Water Lots)
-  Subject Areas (Land Parcels)
-  Area of Notification





The accuracy of any representation on this plan is not guaranteed.



## Map 2 - Generalized Future Land Use

Dartmouth Cove,  
Dartmouth

-  Subject Areas (Water Lots)
-  Subject Areas (Land Parcels)

Regional Centre  
Plan Area

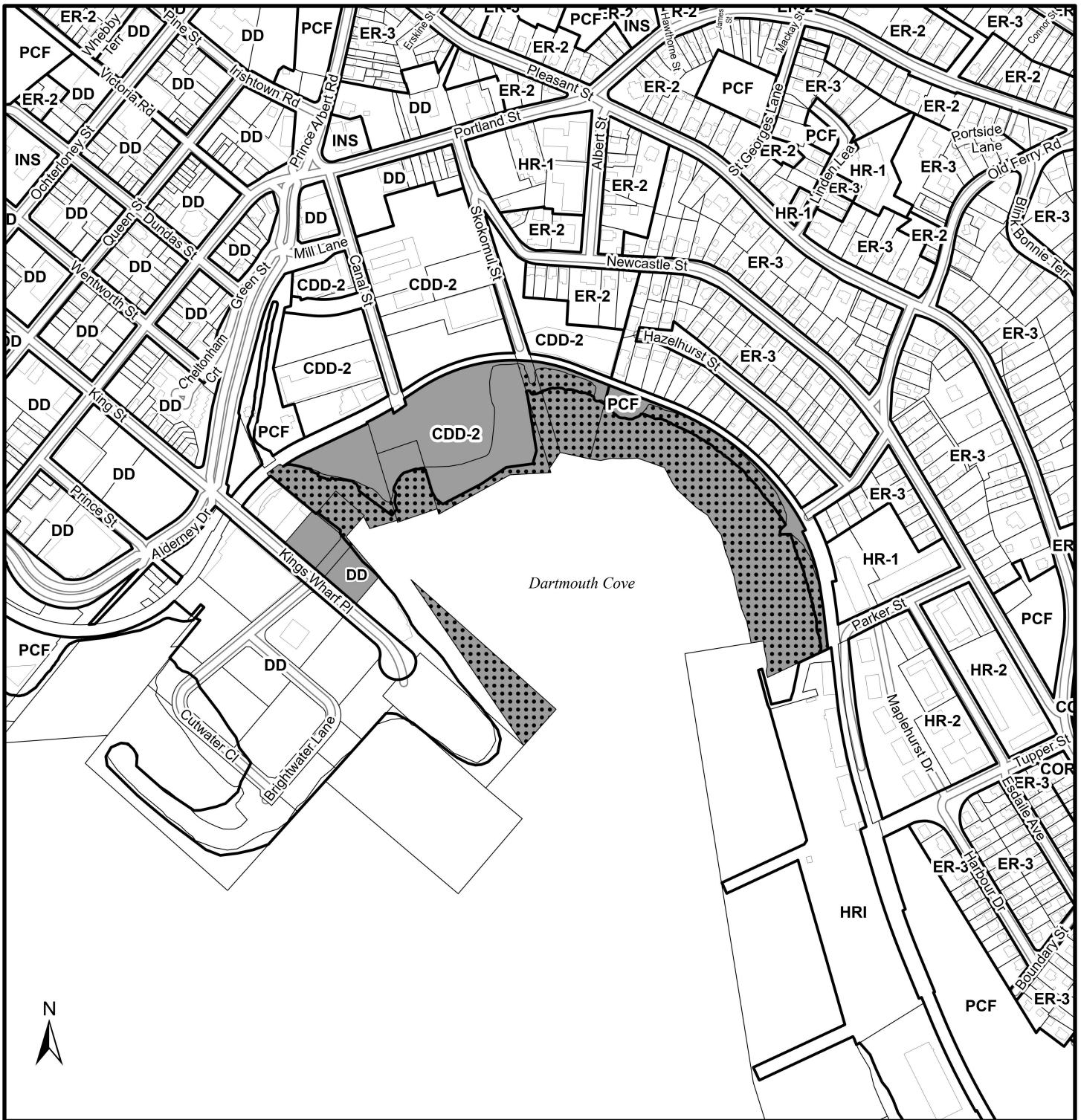
### Designation

- D Downtown
- ER Established Residential
- FGN Future Growth Node
- HR Higher-Order Residential
- IDE Industrial Employment
- IE Institutional Employment
- PCF Park and Community Facility





This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



### Map 3 - Zoning

Dartmouth Cove,  
Dartmouth

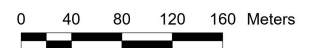
-  Subject Areas (Water Lots)
-  Subject Areas (Land Parcels)

Regional Centre  
Land Use By-Law

### Zone

- CDD-2 Comprehensive Development District 2
- COR Corridor
- DD Downtown Dartmouth
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- HR-1 Higher-Order Residential 1
- HR-2 Higher-Order Residential 2
- HRI Harbour-Related Industrial
- INS Institutional
- PCF Parks and Community Facility

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

HALIFAX



MIKE SAVAGE

MAYOR  
LE MAIRE  
ME'R

1841 Argyle Street  
PO Box 1749  
Halifax, Nova Scotia  
Canada B3J 3A5

902.490.4010  
1.800.835.6428

mayor@halifax.ca  
halifax.ca  
@MikeSavageHFX

**NOTE: This item is being circulated to Regional Council as part of meeting follow up as the request for the letter was made at a previous meeting of Regional Council.**

June 26, 2024

HALIFAX REGIONAL  
MUNICIPALITY

JUN-28-2024

MUNICIPAL CLERK

AS LL

The Honourable Diane Lebouthillier, MP  
Minister of Fisheries, Oceans and the Canadian Coast Guard  
House of Commons

Dear Minister Lebouthillier,

At the June 18, 2024, meeting of Halifax Regional Council, a motion was passed requesting I write a letter to you expressing our thanks to the Department of Fisheries, Oceans and the Canadian Coast Guard for extending the consultation period for Dartmouth Cove and to request your department wait on granting any permits in Dartmouth Cove until Halifax Regional Municipality, HRM, can enact relevant by-law amendments. We have since learned Transport Canada has started the process to rescind its approval of infill of Dartmouth Cove, which will allow HRM sufficient time to bring in a by-law to appropriately regulate this and similar developments.

As you may be aware, the Municipality adopted amendments on January 9, 2024, to the Halifax Mainland and Regional Centre Plan land-use by-laws to prohibit infilling on the Northwest Arm. This was done in consultation and collaboration with the federal government. The move by Transport Canada to rescind the approval of Dartmouth Cove infill is in alignment with existing consultations we have undertaken with the Government of Canada and will help us establish precedent during the drafting of the aforementioned by-law.

Accordingly, I am reaching out both to express HRM's appreciation for your continued support, and to reaffirm the commitment of Council and Staff to work closely with the Department of Fisheries Oceans, and the Canadian Coast Guard on this issue as the process of reviewing the by-law unfolds.

Kindest regards,

Mike Savage  
Mayor

/bmj

**Municipal Clerks Office**

**Date Distributed:** JUL-05-2024

Mayor, Councillors, CAO, Solicitor,  
Communications, Public Affairs, Gov.  
Relations

Other: Rhys Burnell, Luc Ouellet, Ben  
Sivak, Kurt Pyle, Jacqueline Hamilton

**NOTE: This item is being circulated to Regional Council as part of meeting follow up as the request for the letter was made at a previous meeting of Regional Council.**

**HALIFAX**



**MIKE SAVAGE**

MAYOR  
LE MAIRE  
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@MikeSavageHFX

June 26, 2024

The Honourable Pablo Rodriguez, P.C., MP,  
Minister of Transport  
House of Commons



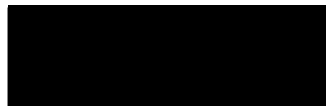
Dear Minister Rodriguez, *Pablo,*

At the June 18, 2024, meeting of Halifax Regional Council, a motion was passed requesting I write a letter expressing HRM's, objection to Transport Canada's recent approval of infill in Dartmouth Cove without consultation with the Halifax Regional Municipality, HRM, and to request the Department rescind or pause this approval. We have since learned Transport Canada has started the process to rescind this approval, which will allow HRM sufficient time to bring in a by-law to appropriately regulate this and similar developments.

As you may be aware, the Municipality adopted amendments on January 9, 2024, to the Halifax Mainland and Regional Centre Plan land-use by-laws to prohibit infilling on the Northwest Arm. This was done in consultation and collaboration with the federal government. The move by Transport Canada to rescind the approval of Dartmouth Cove infill is in alignment with existing consultations we have undertaken with the Government of Canada and will help us establish precedent during the drafting of the aforementioned by-law. A motion to begin the process of initiating amendments to the Regional Centre Plan and Land-Use By-law to impose restrictions on infilling water lots in Dartmouth Cove like those that exist already in the Northwest Arm was passed at the June 18, 2024, meeting of Regional Council; your department's decision to rescind approval will make this work achievable within a reasonable timeframe.

Accordingly, I am reaching out both to express HRM's appreciation for this timely decision, and to reaffirm the commitment of Halifax Regional Council and staff to work closely with Transport Canada on this issue as the process of reviewing the by-law unfolds.

Kindest regards,



Mike Savage  
Mayor

/bmj

HALIFAX REGIONAL  
MUNICIPALITY

JUN-28-2024

MUNICIPAL CLERK

AS LL

**Municipal Clerks Office**

**Date Distributed:** JUL-05-2024  
Mayor, Councillors, CAO, Solicitor,  
Communications, Public Affairs, Gov.  
Relations

Other: Rhys Burnell, Luc Ouellet, Ben  
Sivak, Kurt Pyle, Jacqueline Hamilton



Fisheries and Oceans Canada Pêches et Océans Canada

PO Box 1006  
Dartmouth, NS  
B2Y 4A2

**AUG 14 2024**

His Worship Mike Savage  
Mayor of the Halifax Regional Municipality  
[REDACTED]

Dear Mayor Savage:

Thank you for your correspondence of June 26, 2024, addressed to the Honourable Diane Lebouthillier, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding the Dartmouth Cove infilling. I have been asked to respond on the Minister's behalf.

Fisheries and Oceans Canada (DFO) is responsible for protecting Canada's three oceans and numerous waterways, ensuring that they remain healthy for future generations and provide economic opportunities to Canadians and coastal communities. DFO's priorities also include fostering relationships with Indigenous partners, including the Mi'kmaq of Nova Scotia.

As you know, any proposed infilling into waters considered to contain fish and fish habitat must comply with the *Fisheries Act* and the *Species at Risk Act*, as well as the *Aquatic Invasive Species Regulations*. Projects may also require an authorization from the Department before proceeding. More information about DFO's procedure can be found on the Department's [projects near water webpage](#).

I understand that departmental officials continue to communicate with your municipal planning staff on various proposed projects in the Halifax Regional Municipality and we appreciate this effort to maintain open communication between our departments.

Thank you for writing.

Yours sincerely,



Doug Wentzell  
Regional Director General  
Maritimes Region

**Attachment B - Letters from HRM  
CAO to Province, and the Province's  
Response (2 pages)**

May 13, 2024

Honourable John A. Lohr  
Minister of Municipal Affairs & Housing  
Department of Municipal Affairs and Housing

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**NOTE: This item is being circulated to  
Regional Council as part of meeting follow  
up as the request for the letter was made at  
a previous meeting of Regional Council.**

HALIFAX REGIONAL  
MUNICIPALITY  
  
MAY-13-2024  
  
MUNICIPAL CLERK  
  
LN LL

Dear Minister Lohr,

At the April 23, 2024 meeting of Halifax Regional Council, a motion was passed requesting that the Chief Administrative Officer write a letter to ascertain the Province's position regarding infilling water lots in Dartmouth Cove, and specifically whether or not the Province intends to allow access across its property to facilitate infilling.

Transport Canada has given approval for the owners of a pre-confederation water lot in Dartmouth Cove to infill their water lot. With this approval, the applicant has completed the primary regulatory barrier to infilling.

The Municipality has recently adopted amendments to the Halifax Mainland and Regional Centre Plan land-use by-laws to prohibit infilling on the Northwest Arm. This was done in consultation and collaboration with the federal government. Those amendments were approved by Council on January 9, 2024, and approved by your office on February 8, 2024. We recognize that the Northwest Arm was a somewhat unique situation as it is used primarily for recreation and is not part of an industrial harbour. The harbour is an asset that is important to economic development, tourism, and transportation.

I am reaching out to understand the Province's intentions with respect to any additional restrictions the Municipality may impose on Dartmouth Cove.

Council understands that the applicant in Dartmouth Cove intends to access the water lots by crossing over municipal or provincial lands. Therefore, Council would like to understand your position with respect to whether such access would be permitted by the Province in the event the Municipality refuses access over any municipal land.

I look forward to your response.

[REDACTED]

Cathie O'Toole  
Chief Administrative Officer

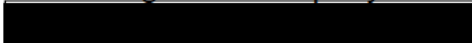
**Municipal Clerks Office**  
**Date Distributed:** MAY-17-2024  
Mayor, Councillors, CAO, Solicitor,  
Communications, Public Affairs, Gov.  
Relations  
  
Other: Rhys Burnell, Luc Ouellet, Ben  
Sivak, Kurt Pyle, Jacqueline Hamilton

cc Deputy Minister Byron Rafuse, Department of Municipal Affairs and Housing





August 23, 2024

Cathie O'Toole  
Chief Administrative Officer  
Halifax Regional Municipality  


Dear Cathie O'Toole:

Thank you for your letter of May 13, 2024, addressed to the Honourable John A. Lohr with respect to Dartmouth Cove. As Executive Director Policy, Planning & Strategic Relations, I have been asked to respond to your correspondence on his behalf.

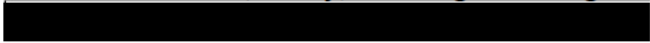
Build Nova Scotia is the owner of the provincial lands in question and, as such, the Department of Municipal Affairs and Housing is not in the position to comment regarding possible future access to Dartmouth Cove.

With respect to additional restrictions that the Municipality may impose in the case of Dartmouth Cove infilling, Transport Canada is responsible for the approval. It is our understanding that Transport Canada will conduct further consultations, and the Department awaits the resulting outcome of those consultations.

Thank you, again, for taking the time to write on this important topic.

Sincerely,



Elizabeth Kennedy  
Executive Director, Policy, Planning & Strategic Relations  


c: Honourable John Lohr, Minister of Municipal Affairs and Housing  
Byron Rafuse, Deputy Minister, Municipal Affairs and Housing

PNS-42810/cl

## **Attachment C: Summary of Community Engagement Comments**

The main concerns from the public **in favour of the proposed restrictions on water lot infilling** included the following:

- Environmental impacts to a variety of marine life due to the use of pyritic slate as infill material;
- The ecological and environmental harm of toxic materials located on the seabed being disturbed as a result of infill being placed;
- The impacts that infilling would have on the migration of marine life between Dartmouth Cove and various freshwater sources (i.e. Shubenacadie Canal);
- The implications that infilling Dartmouth Cove would have on the progress and completion of the Sawmill River project;
- The impacts that infilling and eventual development of Dartmouth Cove could have on maintaining public access and recreational uses along the Trans Canada Trail, during and after construction;
- Concerns regarding maintaining a safe and accessible space along the Trans Canada Trail of Dartmouth Cove for people with visual or other physical disabilities to navigate and enjoy;
- Concerns that infilling and development of Dartmouth Cove would diminish and ruin its cultural significance;
- Concerns regarding impacts and disturbances due to construction, such as noise, high levels of truck traffic and potential dust from the dumping of pyritic slate material;
- The impacts that infilling would have on environmental research being conducted within Dartmouth Cove;
- Development along Dartmouth Cove would obstruct scenic harbour views and ruin its natural assets;
- Concerns of losing already-limited publicly accessible space that many residents enjoy;
- The impacts of climate change (i.e. sea-level rise, storm surge, coastal flooding and increased intensity and frequency of storm events) on coastal development;
- Concerns regarding the proposed amendments and if the type of infill used for proposed uses would be regulated to exclude the use of pyritic slate; and
- Consensus and support for the proposed amendments to only allow infilling for public uses, such as parks, and Water Access uses.

The main concerns from the public **against the proposed restrictions on water lot infilling** included the following:

- The potential that infilling and development would bring to the area of Dartmouth Cove, such as economic growth, housing and local business opportunities;

- The development would bring unique opportunities for improving public spaces and Dartmouth Cove, in general, that benefit all residents and visitors in the area;
- There are ways to keep and maintain public spaces while still allowing infilling and development of Dartmouth Cove;
- The development of Dartmouth Cove would help the growing need for development and housing in Dartmouth;
- Infilling in Dartmouth Cove should be permitted, as long as a project follows the necessary environmental studies and guidelines that are required;
- The potential for the delay in development throughout HRM (i.e. residential; healthcare; road construction) if infilling were to be restricted in Dartmouth Cove;
- Questions and concerns regarding permitting infilling to happen for various other developments in the area, but not for water lots located in Dartmouth Cove;
- There is potential that infilling and development along Dartmouth Cove can be done and planned well to create an attractive, vibrant waterfront with many public benefits, like the Halifax Waterfront;
- Concerns regarding the loss of property rights that would be inflicted amongst the property owners of the water lots in Dartmouth Cove;
- Concerns regarding the minimal impact infilling would have on marine navigation;
- Infilling and development of Dartmouth Cove would benefit by supporting the possibility of having improved transportation and mobility options for the area; and
- An increase of truck traffic, construction noise and disturbances would be temporary and should not be a concern as this is necessary for development.

## Attachment D: Correspondence from Water Lot Owners



Luc Ouellet, MCIP, LPP  
ouellet@halifax.ca  
Planning and Development Services  
Halifax Regional Municipality

cc: Rhys Burnell  
Rhys.Burnell@halifax.ca

**Re: Request to exempt water lots associated with 1 Canal Street Active Planning Application (PLANAPP-2024-01007) from rezoning to Water Access (WA)**

On behalf of our client, Smithers Marine Services Ltd., zzap Consulting Inc. (zzap) is writing to request that the Halifax Regional Municipality (HRM) remove the lots identified as #6 and #8 on Map #1 of the August 6, 2024 staff report related to PLPROJ-2024-01075. Lots 6 & 8 (PIDs 40612376, 40612996) are currently proposed for rezoning to Water Access (WA) under the Regional Centre Secondary Municipal Planning Strategy (SMPS) and Land Use Bylaw (LUB).

On August 6, 2024 HRM Regional Council moved a motion to restrict water lot development and infilling in Dartmouth Cove, modelled after the approach taken in the Northwest Arm. HRM is proposing that the lots would be zoned for Water Access (WA) which significantly limits development options. There are a total of nine waterfront lots identified in Dartmouth Cove, three of which are owned by our client (#4, #6, and #8). These lots abut the Dartmouth Cove Future Growth Node (FGN) and, if infilled, would take on the abutting CDD-2 zone as per section 31(h) of the LUB.

These lots are associated with an ongoing development agreement application (PLANAPP-2024-01007) and are located within the Dartmouth Cove Future Growth Node (FGN). Physical and contextual characteristics make the rezoning of lots #6 and #8 to WA impractical and counterproductive to the Dartmouth Cove FGN's vision:

1. Lot #6, with an area of 1,331.8 square meters, and Lot #8, with an area of 176.4 square meters, are both narrow and irregularly shaped. Their dimensions render them undevelopable in isolation, as the majority of their widths are no more than 10 meters. Given these constraints, any meaningful development on these lots would require integration with adjacent properties. These physical property conditions are unique in comparison to all other Dartmouth Cove water lots being considered for this rezoning.
2. As per the CDD-2 zone, all development of lots #6 and #8 and abutting parcels will be negotiated and approved under an established discretionary approval process, dictated directly by HRM policy criteria and subject to final approval by Council. This makes rezoning unnecessary to achieve the desired intent to eliminate as-of-right development and would allow Council direct oversight over all development of infilled lots.
3. Lots #6 and #8 are part of an active planning application at 1 Canal Street (PLANAPP-2024-01007). The site at 1 Canal Street represents the primary viable waterfront land available for development within this growth node and is critical to achieving the Dartmouth Cove FGN vision and policies within the Regional Centre SMPS. In contrast, other waterfront properties in Dartmouth Cove FGN0 have limited near-term redevelopment potential. Without the development of Lots #6 and #8, the Dartmouth Cove FGN will continue to lack a vital public



connection to the water, undermining the area's transformative potential and the integration of waterfront activities envisioned by applicable SMPS policies. The objectives outlined in the SMPS emphasize creating significant public assets along the waterfront, including multi-use trails, boardwalks, and public squares. These objectives are heavily reliant on cohesive and feasible development strategies and significant effort has been expended to develop a concept that supports the waterfront amenities envisioned under the policy. The proposed rezoning of Lots #6 and #8 to WA would hinder this potential public waterfront activation by removing the flexibility currently enabled by the development agreement process, required to address site-specific development challenges, such as remediation, flood mitigation, and improved railway crossings.

4. The financial feasibility of redeveloping our clients site is tenuous under the existing policy framework. Rising construction costs, coupled with the additional costs associated with waterfront development—such as sea level rise adaptation and emergency access improvements—further constrain the economic viability of achieving the Dartmouth Cove FGN waterfront vision. The 2012 Dartmouth Cove Comprehensive Plan, which underpins much of the current policy, was predicated on detailed financial analyses to ensure feasibility. Maintaining the current balance in policy application is crucial to realizing the harbourside vision for the Dartmouth Cove FGN.

We understand that Lot #4, also owned by our client, has different site and size characteristics than Lots #6 and #8. Primarily Lot #4 is located within a Canal Street view terminus, with policy directing this area to be public access. This is consistent with what is proposed within the development concept included in PLANAPP-2024-01007. We are therefore supportive of Lot #4 being rezoned to Water Access.

In conclusion, rezoning Lots #6 and #8 to Water Access would not only disregard their unique conditions, but also impede the realization of HRM's broader goals for the Dartmouth Cove FGN. By exempting these lots from the proposed rezoning, HRM would enable their thoughtful integration into a comprehensive development strategy. This preserves the opportunity to achieve a vibrant, accessible, and sustainable waterfront envisioned for the Dartmouth Cove Future Growth Node and represented within the development concept for PLANAPP-2024-01007.

Sincerely,



Connor Wallace, MCIP, LPP  
Principal  
Zzap Consulting Inc.

On behalf of:

Smithers Marine Services Limited  
1 Canal Street  
Dartmouth NS CA B2Y 2W1

# Dartmouth Cove Remediation Project

January 31, 2025

Rhys Burnell  
Planner II, Strategic Projects  
Halifax Regional Municipality  
Duke Tower Level 3  
Halifax, Nova Scotia, B3J 3A5

Mr. Rhys Burnell,

We appreciate the opportunity to provide input into the PLPROJ-2024-01075 – Dartmouth Cove, Dartmouth – a municipal project to consider amendments to the Regional Centre Secondary Municipal Planning Strategy and the Regional Centre Land Use By-law to restrict water lot development and infilling in Dartmouth Cove, Dartmouth.

We live in one of the fastest- growing regions in Canada, desperately in need of housing and new public spaces. To support this rapid growth and to help revitalize part of the Dartmouth Waterfront, the Dartmouth Cove Remediation Project is a proposal to infill a pre-confederation water lot in Dartmouth Cove that can then be used for public spaces, housing and improving access along the rail line to provide alternative emergency and servicing access to all users along the Dartmouth waterfront.

Our vision is to create a space designed to help, not hurt the community. Our land parcel is key to making the rest of the Dartmouth Waterfront become the best new waterfront space in North America.

We know that HRM needs more housing, we know that Dartmouth residents have a desire to see a revitalized Dartmouth waterfront that connects from one end to the other, that invites tourists and residents to the water and a place that makes us all proud. We believe our project can bring the vision of the Dartmouth Waterfront revitalization project to life, can help to combat the housing crisis, fix an environmental legacy, and reduce costs for development of many residential, commercial and even public building projects. We want to build and provide benefits to the greater community with as little impact as possible on the current users and neighbours.

We understand the concerns of some residents related to any infilling of our water lot in Dartmouth Cove. HRM documents state “Issues relating to the infill of water lots along Dartmouth Cove have been the subject of concern for both Council and the public.” We understand those issues are as follows:

1. the loss of harbour views along the Trans Canada Trail;
2. the loss of a natural asset;
3. impacts on navigation;
4. an increase in truck traffic during infilling activities; and
5. potentially negative environmental impacts.

While we have provided more detailed information below, we wanted to start by addressing the concerns that have led to consideration of the proposed by-law. We believe our project, and any others that may require infilling in the future, can address the key community concerns thus leaving no reason for HRM to further consider the new bylaw.

1. The loss of harbour views along the Trans Canada Trail – There will be no loss of harbour views along the Trans Canada Trail/Dartmouth Harbourwalk Trail. The Dartmouth Cove Remediation Project will maintain and improve access to the Dartmouth waterfront for neighbours and tourists with the installation of a new recreational trail along the new seawall for public use improving the views for all trail users.
2. The loss of a natural asset – The project proposes to infill a narrow strip along the shoreline that will extend the site by approximately 90 metres, creating approximately 18,250 m<sup>2</sup> (4.5 acres) of usable land available for productive uses including public infrastructure, parks, recreation assets and housing. The proposed infill will be aligned with neighbouring properties to maintain the vast majority of Dartmouth Cove. (see map below).

Map Showing the Proximity of Previous Infill Locations in Relation to The Dartmouth Cove Remediation Project



- Previously Infilled Locations in Dartmouth Cove:
- 1) Smithers Infill (2019)
  - 2) The Dartmouth Harbourwalk Trail
  - 3) Kings Wharf Development
  - 4) The COVE Offices
- The Dartmouth Cove Remediation Project

3. Impacts on navigation – the area being infilled isn't currently used for active navigation as there are no facilities or destinations along the existing shoreline. Navigation of commercial, recreation and servicing vessels occurs in the central cove which won't be impacted by the infill. The COVE has raised navigational concern about the area immediately adjacent to their floating dock and we are discussing solutions with them. We have no interest in negatively affecting the current users of the cove. Our mission is to add usable public spaces, public infrastructure and housing to the site to improve enjoyment and livability in the area.
4. An increase in truck traffic during infilling activities – The project will follow all existing construction bylaws and rules currently in place for construction activities in HRM. These rules include considerations for both noise and dust caused by temporary construction work.
5. Potentially negative environmental impacts – The water lot is located in an area of Dartmouth Cove with a 100-year history as a disposal site for raw sewage and industrial sludge on its seabed. This makes it of very poor quality to support significant populations of marine life and

unsafe for direct human interaction. Nevertheless, our project is committed to mitigating any environmental impacts to marine life by:

- Creating enhanced marine habitats to support fish and other marine life
- Further enhancing the area's ecological integrity, with the creation of an intertidal Rockweed Beach along the new waterfront, aiming to restore the shoreline to a high-productivity marine environment.
- The addition of Reef Balls (artificial reefs), strategically positioned along the project site's slopes, fostering marine vegetation growth and serving as a habitat for various aquatic species, including fish.

Furthermore, the proposed bylaws would impede the advancement of our project (and others) and thus eliminate the benefits the project would otherwise bring to the province and to HRM. Those benefits include:

- The Dartmouth Cove Remediation Project will play a crucial role in developing Dartmouth Cove by responsibly capping the industrial and sewage sludge currently on the seabed, keeping contaminants contained while creating a new fish habitat that aligns with the City's efforts to daylight Sawmill Creek.
- The project will provide a much-needed site to environmentally sequester pyritic slate from vital housing and hospital developments in our province —an increasingly urgent requirement for all new housing developments in HRM and the province as they try to respond to the rapid growth in Nova Scotia.
- By converting this area into usable land, the project directly addresses pressing housing demands by creating opportunities for new residential development, ultimately fostering a vibrant and diverse neighbourhood in line with the Centre Plan.
- The project fits within the larger vision of the Downtown Dartmouth Waterfront Revitalization Project which seeks to improve access, connectivity, cultural activity and future development opportunities along the Dartmouth Waterfront. From the Woodside terminal to Alderney Landing and including the Dartmouth Cove, this project will require a built interface between the shoreline and the water. The proposed by-law would sabotage rather than advance HRM's Downtown Dartmouth Waterfront Revitalization Project.
- Once usable, The Dartmouth Cove Remediation Project will provide improved emergency access to the Cove and create enhanced waterfront access for future development in the heart of the Dartmouth Waterfront, building on the growth and momentum in the area while improving the walking trail and providing more access and public uses for residents and visitors.
- The project will provide additional berthing space for recreational and commercial vessels, and additional waterfront parkland and spaces for active recreation like fishing.

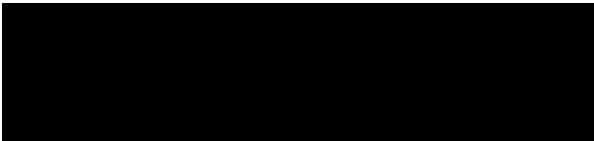
Despite being the property owner specifically targeted by this bylaw, we maintain our willingness to work with HRM and the community to develop a solution that benefits the public, solves an environmental issue and adds to the revitalization of the Dartmouth Waterfront. To that end, we have reached out to the "Save Dartmouth Cove" group to provide them with the details of our proposed project and we welcome the opportunity to meet with them to further discuss our proposed project and work through their concerns. We believe the best outcome is to work together to achieve an outcome that serves many public benefits and responds to market needs.

We also believe it is unfair for HRM to even consider creating and advancing a by-law that primarily targets one landowner. The proposed bylaw freezes our land's status as it is. Practically, this means it will also freeze progress all along the waterfront so no new public uses of our land will be possible despite the lofty language in the proposed bylaw. It is not practical nor reasonable for HRM to expect any landowner to only use their land for public uses.

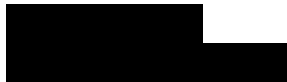
We would urge HRM staff and councilors of goodwill to revisit this issue, pause the proposed bylaw and sit down with us to discuss how we can work together to move this project forward. There are clearly opportunities to improve the outcome for the benefit of all residents and aligned with the Downtown Dartmouth Waterfront Revitalization Project as envisioned separately by HRM. We don't need targeted by-laws, we need HRM and the community working with us for the benefit of all who live and enjoy the Dartmouth Cove.

As always, we are available to work with HRM to develop lasting, positive solutions.

Sincerely,

A large black rectangular redaction box covering the signature area.

Bruce Wood, CPA CA  
President  
Dartmouth Cove Remediation Project

A black rectangular redaction box covering contact information.

## **The Dartmouth Cove Remediation Project**

The Dartmouth Cove Remediation project is a proposal to infill a pre-confederation water lot in Dartmouth Cove that can then be used for public space and housing. The project proposes to add a strip of land along the shoreline that will extend the site by approximately 90 metres, creating approximately 18,250 m<sup>2</sup> (4.5 acres) of usable land available for private and public use. The total proposed infill will be aligned with neighbouring properties to maintain the vast majority of the Dartmouth Cove as a waterway for public use and enjoyment. The project will alleviate the current concerns around emergency access over the train tracks as the company will work with the province and other owners to provide alternative emergency access in the entire Dartmouth waterfront.

The project will maintain and improve access to the Dartmouth waterfront for neighbours and tourists with the installation of a recreational trail along the new shoreline for public use.

The project will also provide:

- A public route, contiguous with the rail line – that will provide continuous access to the waterfront on the water side of the existing railway track.
- Additional berthing space for recreational and commercial vessels
- Additional waterfront parkland and spaces for recreation like fishing.
- Opportunities for new housing development.

The project will also have significant environmental benefits for the area. The water lot is located in an area of Dartmouth Cove with a 100-year history as a disposal site for raw sewage and industrial sludge on its seabed, which make it of relatively poor quality and low productivity to support significant populations of marine life. Nevertheless, we are fully committed to offsetting project impacts to any marine life in the area by the creation of enhanced marine habitats to support fish and other marine life.

To further enhance the area's ecological integrity, the project includes the creation of an intertidal Rockweed Beach along the waterfront, aiming to restore the shoreline to a high-productivity marine environment. Additionally, Reef Balls (artificial reefs) will be strategically positioned along the project site's slopes, fostering marine vegetation growth and serving as a habitat for various aquatic species, including fish.

The current Dartmouth Cove was created by infilling parts of the Cove to increase the land available for industrial, residential and commercial spaces you see there today. Similarly, the Halifax waterfront, a much-celebrated destination on the other side of the harbor, was created in much the same way. The winding boardwalk, public spaces and commercial and residential structures are all built on land created by infilling and shore alterations from Point Pleasant Park all the way to Fairview Cove.

### **How this fits into the Downtown Dartmouth Waterfront Revitalization Project.**

The same type of vision and plan is needed here on the Dartmouth Waterfront including Dartmouth Cove. In fact, HRM is already preparing to undertake a request for proposals (RFP) process to hire a qualified consultant to lead the Downtown Dartmouth Waterfront Revitalization Project.

From the Woodside terminal to Alderney Landing and including the Dartmouth Cove, this project will require a built interface between the shoreline and the water.

The Dartmouth Cove Remediation Project fits within this larger vision for the revitalization of the Dartmouth Waterfront. Once usable, it will provide improved emergency access to the Cove and create enhanced waterfront access for future development in the heart of the Dartmouth Waterfront, building on the growth and momentum in the area while improving the walking trail and providing more access to the waterfront.

## **Housing Crisis**

The housing crisis has propelled a considerable increase in new construction across HRM. With new development comes the need to excavate and dispose of rock from the ground during construction. The excavated material includes pyritic slate, which is a naturally occurring acid-bearing rock that is common in Halifax and Dartmouth. When the rock is exposed to air and freshwater precipitation, it produces acid runoff that enters our waterways and is harmful to the surrounding environment. Unfortunately, all developments in HRM face the challenge of having to remove the slate during construction and dispose of it. This fill material from residential and commercial developments across HRM, including the QEII hospital expansion project, need to be disposed in the most environmentally and cost-effective manner for these much-needed projects to continue.

The safest place to dispose of the slate is in saltwater because the saltwater neutralizes the contaminants that would otherwise pollute the surrounding onshore disposal sites. Placing the pyritic slate in saltwater is the safest way to neutralize the rock and minimize environmental impacts.

Because it is less harmful to the environment, it is also more cost effective than using a landfill to dispose of the material. This means costs savings for residential, commercial, and public facilities being built throughout HRM. Savings that are then passed along to buyers, renters and taxpayers.

## **The Vision**

Development planning is still in early stages, and we are committed to engaging with the city, local community, and First Nations and welcome ideas and feedback for the future use of the site.

Up until now we have not created an end-use vision for the site because we truly wanted the public consultation to guide the final development. We now understand that without a vision to react to the local community and general public are misunderstanding our intentions. To help alleviate some of those concerns we have produced a draft design that shows what the land could look like post infilling and once it is developed. Something for people to see, understand and suggest improvements. This is a draft and we remain committed to providing meaningful engagement opportunities with the community, government, and First Nations as we continue through this process.

The following are the main elements of the development space after infilling that could include:

- Connecting space for a vehicular and emergency access route to help realize HRM's Dartmouth Waterfront Revitalization Plan
- Creation of new public spaces to the new waterside, including the construction of a new waterside trail perhaps cantilevered over the water
- Space for up to 800 residential units on the downtown Dartmouth side of the site
- Green space and other recreational amenities for the infilled portion between trail and adjacent to existing low-rise residential to minimize impact on neighbours.

## **Possible Site Uses**

The renderings below are to show possible uses for the land only and not reflective of any specific building locations, scale, design or style. Those would be determined by working collaboratively through HRM's planning processes to determine best and optimal uses for the new 4.5-acre site through Development Agreement (DA).

As the property owners, we are committed to relocating the Dartmouth Harbourwalk Trail to the new waterfront and are willing to consider a cantilevered design, if desirable, which would enhance the waterside experience for users.

The following images are indicative only. We remain committed to an open dialogue with all interested parties to ensure the final uses create lasting and impactful public benefits for Dartmouth Cove and those who use it.

**Image 1 shows a photograph of Dartmouth Cove, with The Dartmouth Cove Remediation Project as an infilled blank canvass with just the trail relocated.**



**Image 2 zooms in on The Dartmouth Cove Remediation Project blank canvass with just the trail relocated.**



**Image 3 shows the entire site if it was primarily being used for housing with some public spaces and amenities.**



- Once infilled, there has been interest expressed to ensure that an access road can be accommodated running parallel to the rail line to provide vehicular, servicing and emergency access to enable the laudable goals of the Dartmouth Waterfront Revitalization Plan.
- As well, many neighbours and current Dartmouth Harbourwalk Trail users have expressed interest in new and improved public facilities (playground, trail enhancements, public washrooms, performance and park spaces, etc.)

### **The Property Owners**

We are proud Nova Scotians and owners of several Nova Scotia-based companies. We live here, do business here and are bringing up our families in this community. We have more than 600 employees mostly from Dartmouth and surrounding areas. We are based in and care deeply about Dartmouth and we will never do anything to harm the area. Our project is designed to help, not hurt the community. Our land lot is a key to making the rest of the Dartmouth Waterfront the best new waterfront space in North America. We are prepared to invest in the site to make it more usable for the community.

We know that HRM needs more housing, we know that Dartmouth residents have a desire to see a revitalized Dartmouth waterfront that connects from one end to the other, that invites tourists and residents to the water and a place that makes us all proud. We believe our project can bring the vision of the Dartmouth Waterfront to life, can help to combat the housing crisis, fix an environmental legacy, reduce costs for development of many residential, commercial and even public building projects. We want to build and provide benefits to the greater community with as little impact as possible on the current users and neighbours.



28 January 2025

Luc Ouellet, MCIP, LPP  
ouellet@halifax.ca  
Planning and Development Services  
Halifax Regional Municipality

**Re: Request to exempt water lots associated with King's Wharf from rezoning to Water Access (WA)**

On behalf of The Anchorage, we are writing to request that the Halifax Regional Municipality (HRM) remove the lot identified as #2 on Map #1 of the August 6, 2024, staff report related to PLPROJ-2024-01075. Lot #2 (PIDs 41164278) is currently proposed for rezoning to Water Access (WA) under the Regional Centre Secondary Municipal Planning Strategy (SMPS) and Land Use Bylaw (LUB).

On August 6, 2024, HRM Regional Council moved a motion to restrict water lot development and infilling in Dartmouth Cove, modelled after the approach taken in the Northwest Arm. HRM is proposing that the lots would be zoned for Water Access (WA) which significantly limits development options. There are total of nine waterfront lots identified in Dartmouth Cove, one of which is owned by The Anchorage at Dartmouth Cove Property Development Inc. (Bare Trust, beneficial owner Fares & Co Development Inc.)

We understand that the recent concern with the infilling of Dartmouth Cove was initially associated with the application to infill PID 00114132. However, Lot #2 forms part of the Council approved King's Wharf Stage I and Stage II Development Agreement which has been under active construction for numerous years and is not associated in any way with the infill debate of the last several months.

In fact, HRM staff have been working with us to complete the King's Wharf development for many years, and we are currently finalizing the remaining development plans. Given this, we respectfully request that Lot #2 be removed from the rezoning, ensuring that no development rights associated with our approved DA are lost.

Sincerely,

  
Francis Fares  
President  
Fares & Co Development Inc.

**ATTACHMENT E: SUMMARY OF CONCERNS AND COMMENTS FROM WATER LOT OWNERS WITHIN DARTMOUTH COVE (RELATING TO ALTERNATIVE #1)**

PID	Ownership	Current or Abutting Zone/DA/Active Planning App	Letter Received <i>All letters are included in Attachment E, Correspondence from Water Lot Owners</i>	Concerns/Comments Tied to Infilling Regulations	HRM Response	Concerns/Comments Tied to WA Designation and Zoning	HRM Response <i>(related to Alternative #1)</i>
41164278 <i>Lot #1 in Map 1 of the Staff Report</i>	The Anchorage at Dartmouth Cove Property Development Inc.	Downtown Dartmouth (DD) – Active DA (Kings Wharf)	Letter dated January 28, 2025	No concerns expressed.	N/A	<p>The Water Access Designation and Zone, tied to Alternative 1, will significantly limit development options.</p> <p>The water lot forms part of the Council approved King’s Wharf Stage I and Stage II Development Agreement which has been under construction for numerous years. HRM staff have been working with us to complete the King’s Wharf development for many years, and we are currently finalizing the remaining development plans. Given this, we respectfully request that the water lot be removed from the rezoning, ensuring that no development rights associated with our approved DA are lost.</p>	<p>The triangular water lot falls under the Kings Wharf Phase 1 DA and has been envisioned for a marina use, subject to the completion of a Stage II DA. The active DA will continue to control the permitted uses. Moreover, the amendments, tied to Alternative #1, would preserve existing rights for a marina use, as a marina is currently permitted under the Water Access Zone as a "boating club use".</p> <p>Council has the ability, under Alternative #2 of the staff report, to remove one or several water lots in Dartmouth Cove from the applicability of the amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.</p>
41374018 <i>Lot #2 in Map 1 of the Staff Report</i>	The Anchorage at Dartmouth Cove Property Development Inc.	Downtown Dartmouth (DD) – Active DA (Kings Wharf)	Letter dated January 28, 2025	No concerns expressed.	N/A	No concerns expressed.	N/A
00381228 <i>Lot #3 in Map 1 of the Staff Report</i>	Duck Rock Holdings Incorporated	Comprehensive Development District 2 (CDD-2)	No letter received.	N/A	N/A	N/A	N/A
40612384 <i>Lot #4 in Map 1 of the Staff Report</i>	Smithers Marine Services Limited	<p>Comprehensive Development District 2 (CDD-2)</p> <p><u>Active Planning App:</u> Lots #4, #5 and #6 (referred to in the planning consultant’s letter as Lots #4, #6, and #8) are part of an active planning application</p>	Letter dated January 10, 2025	No concerns expressed.	N/A	<p>Lot #4 has different site and size characteristics than Lots #6 and #8. Primarily Lot #4 is located within Canal Street view terminus, with policy directing this area to be public access. This is consistent with what is proposed within the development concept included in PLANAPP-2024-01007. We are therefore supportive of Lot #4 being rezoned to Water Access.</p>	This comment is in keeping with the amendments in Alternative 1 to designate and zone the water lot to Water Access.

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<p>40612996 <i>Lot #5 in Map 1 of the Staff Report</i></p> <p>40612376 <i>Lot #6 in Map 1 of the Staff Report</i></p>	<p>Smithers Marine Services Limited</p>	<p>(PLANAPP-2024-01007). The property owner's planning consultant expressed during discussions with staff that the intention is to have a parking structure where staff is proposing Water Access topped by a waterfront promenade on the podium of the parkade.</p>	<p>Letter dated January 10, 2025</p>	<p>Request to exempt water lots from infilling regulations. Comments related to Lots #5 and #6 are summarized as follows:</p> <ul style="list-style-type: none"> <li>• Water lots are narrow and irregularly shaped, making them undevelopable on their own.</li> <li>• Any meaningful development would require integration with adjacent properties.</li> <li>• Their physical constraints differ significantly from other Dartmouth Cove water lots under consideration, making the infill restriction inappropriate.</li> <li>• Controlled development is already ensured via the CDD-2 discretionary approval planning process, dictated directly by HRM policy criteria and subject to final approval by Council. This makes rezoning unnecessary to achieve the desired intent to eliminate as-of-right development and would allow Council direct oversight over all development of infilled lots.</li> <li>• The water lots are part of an active planning application.</li> <li>• The site at 1 Canal Street represents the primary viable waterfront land available for development within this growth node and is critical to achieving the Dartmouth Cove FGN vision and policies within the Regional Centre SMPS. In contrast, other waterfront properties in Dartmouth Cove FGN have limited near-term redevelopment potential. Without the development of these water lots, the Dartmouth Cove FGN will continue to lack a vital public connection to the water, undermining the area's transformative potential and the integration of the waterfront activities envisioned by applicable SMPS policies.</li> <li>• The objectives outlined in the SMPS emphasize creating significant public assets along the waterfront, including multi-use trails, boardwalks, and</li> </ul>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>Request to exempt water lots from Water Access Designation and Zoning. Comments related to Lots #5 and #6 are summarized as follows:</p> <ul style="list-style-type: none"> <li>• Water lots are narrow and irregularly shaped, making them undevelopable on their own.</li> <li>• Any meaningful development would require integration with adjacent properties.</li> <li>• Their physical constraints differ significantly from other Dartmouth Cove water lots under consideration, making the infill restriction inappropriate.</li> <li>• Controlled development is already ensured via the CDD-2 discretionary approval planning process, dictated directly by HRM policy criteria and subject to final approval by Council. This makes rezoning unnecessary to achieve the desired intent to eliminate as-of-right development and would allow Council direct oversight over all development of infilled lots.</li> <li>• The water lots are part of an active planning application.</li> <li>• The site at 1 Canal Street represents the primary viable waterfront land available for development within this growth node and is critical to achieving the Dartmouth Cove FGN vision and policies within the Regional Centre SMPS. In contrast, other waterfront properties in Dartmouth Cove FGN have limited near-term redevelopment potential. Without the development of these water lots, the Dartmouth Cove FGN will continue to lack a vital public connection to the water, undermining the area's transformative potential and the integration of the waterfront activities envisioned by applicable SMPS policies.</li> </ul>	<p>If the amendments, in Alternative #1, are approved by Council, the applicant will need to modify their proposal to avoid placing the parking structure on the lands designated and zoned WA.</p> <p>However, Council has the ability, under Alternative #2 of the staff report, to remove one or several water lots in Dartmouth Cove from the applicability of the proposed amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.</p>

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				<p>public squares. These objectives are heavily reliant on cohesive and feasible development strategies and significant effort has been expended to develop a concept that supports the waterfront amenities envisioned under the policy. The proposed rezoning of the water lots to WA would hinder this potential public waterfront activation by removing the flexibility currently enabled by the development agreement process, required to address site-specific development challenges, such as remediation, flood mitigation, and improved railway crossings.</p> <ul style="list-style-type: none"> <li>The financial feasibility of redeveloping our client's site is tenuous under the existing policy framework. Rising construction costs, coupled with the additional costs associated with waterfront development, such as sea level rise adaptation and emergency access improvements, further constrain the economic viability of achieving the Dartmouth Cove FGN waterfront vision. The 2012 Dartmouth Cove Comprehensive Plan, which underpins much of the current policy, was predicated on detailed financial analyses to ensure feasibility. Maintaining the current balance in policy application is crucial to realizing the harbourside vision for the Dartmouth Cove FGN.</li> </ul>		<ul style="list-style-type: none"> <li>The objectives outlined in the SMPS emphasize creating significant public assets along the waterfront, including multi-use trails, boardwalks, and public squares. These objectives are heavily reliant on cohesive and feasible development strategies and significant effort has been expended to develop a concept that supports the waterfront amenities envisioned under the policy. The proposed rezoning of the water lots to WA would hinder this potential public waterfront activation by removing the flexibility currently enabled by the development agreement process, required to address site-specific development challenges, such as remediation, flood mitigation, and improved railway crossings.</li> <li>The financial feasibility of redeveloping our client's site is tenuous under the existing policy framework. Rising construction costs, coupled with the additional costs associated with waterfront development, such as sea level rise adaptation and emergency access improvements, further constrain the economic viability of achieving the Dartmouth Cove FGN waterfront vision. The 2012 Dartmouth Cove Comprehensive Plan, which underpins much of the current policy, was predicated on detailed financial analyses to ensure feasibility. Maintaining the current balance in policy application is crucial to realizing the harbourside vision for the Dartmouth Cove FGN.</li> </ul>	
41127036 <i>Lot #7 in Map 1 of the Staff Report</i>	Halifax Regional Municipality	Comprehensive Development District 2 (CDD-2)	N/A	N/A	N/A	N/A	N/A

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00097550 <i>Lot #8 in Map 1 of the Staff Report</i>	Build Nova Scotia	Comprehensive Development District 2 (CDD-2)	No letter received.	N/A	N/A	N/A	N/A
00114132 <i>Lot #9 in Map 1 of the Staff Report</i>	4197847 Nova Scotia Limited	Park and Community Facility (PCF)	Letter dated January 31, 2025	<p><b>Loss of harbour views along the Trans Canada Trail</b> There will be no loss of harbour views along the Trans Canada Trail/Dartmouth Harbourwalk Trail. The Dartmouth Cove Remediation Project will maintain and improve access to the Dartmouth waterfront for neighbours and tourists with the installation of a new recreational trail along the new seawall for public use improving the views for all trail users.</p>	Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.	<p><b>Loss of harbour views along the Trans Canada Trail</b> There will be no loss of harbour views along the Trans Canada Trail/Dartmouth Harbourwalk Trail. The Dartmouth Cove Remediation Project will maintain and improve access to the Dartmouth waterfront for neighbours and tourists with the installation of a new recreational trail along the new seawall for public use improving the views for all trail users.</p>	Under Alternative #1, the Water Access Zone will place limitations on buildings and structures that could be built on infilled water lots. First, buildings and structures will be limited to those associated with the permitted uses in the Water Access Zone, i.e., to a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use. Second, any buildings built in the Water Access Zone will be limited to a maximum building height of 11 metres. The Water Access Zone will thus limit, to some degree, potential impacts on the views to Dartmouth Cove and the Harbour from the Dartmouth Harbourwalk/Trans Canada Trail.
				<p><b>Loss of a natural asset</b> The project proposes to infill a narrow strip along the shoreline that will extend the site by approximately 90 metres, creating approximately 18,250 sq m of usable land available for productive uses including public infrastructure, parks, recreation assets and housing. The proposed infill will be aligned with neighbouring properties to maintain the vast majority of Dartmouth Cove.</p>	Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.	<p><b>Loss of a natural asset</b> The project proposes to infill a narrow strip along the shoreline that will extend the site by approximately 90 metres, creating approximately 18,250 sq m of usable land available for productive uses including public infrastructure, parks, recreation assets and housing. The proposed infill will be aligned with neighbouring properties to maintain the vast majority of Dartmouth Cove.</p>	Under Alternative #1, the Water Access Designation and Zone act as disincentives to water lot infilling, by limiting the permitted land uses of the water lots, once infilled, to a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use. The Water Access Zone also applies other controls to water lots, including a maximum building height precinct of 11 metres.  Council has the ability, under Alternative #2 of the staff report, to remove one or several water

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							lots in Dartmouth Cove from the applicability of the amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.
				<b>Impacts on navigation</b> The area being infilled isn't currently used for active navigation as there are no facilities or destinations along the existing shoreline. Navigation of commercial, recreation and servicing vessels occurs in the central cove which won't be impacted by the infill. The COVE has raised navigational concern about the area immediately adjacent to their floating dock and we are discussing solutions with them. We have no interest in negatively affecting the current users of the cove. Our mission is to add usable public spaces, public infrastructure and housing to the site to improve enjoyment and livability in the area.	HRM has no jurisdiction over matters related to marine navigation. Under the <i>Canadian Navigable Waters Act</i> (CNWA), Transport Canada ensures that infilling does not significantly impede navigation, requiring formal approval only when navigation is affected.	N/A	N/A
				<b>Increase in truck traffic during infilling activities</b> The project will follow all existing construction bylaws and rules currently in place for construction activities in HRM. These rules include considerations for both noise and dust caused by temporary construction work.	The HRM Noise By-law (By-law N-200) would apply to any water lot infilling activity not occurring on provincial or federal lands. However, ADMINISTRATIVE ORDER NUMBER 2018-005-ADM Respecting Construction Site Management would likely not be enforceable, as the water lot infilling work would not necessarily be related to an HRM permit.	N/A	N/A
				<b>Potentially negative environmental impacts</b> The water lot is located in an area of Dartmouth Cove with a 100-year history as a disposal site for raw sewage and industrial sludge on its seabed. This makes it of very poor quality to support significant populations of marine life and unsafe for direct human interaction. Nevertheless, our project is committed to mitigating any environmental impacts to marine life by:	HRM does not have jurisdiction over matters related to marine ecosystems and water quality in Halifax Harbour. DFO, through the Fish and Fish Habitat Protection Program, assesses projects for potential impacts on fish and fish habitat, with the <i>Fisheries Act</i> providing mechanisms to allow infilling while ensuring environmental protection. DFO	N/A	N/A

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				<ul style="list-style-type: none"> <li>• Creating enhanced marine habitats to support fish and other marine life.</li> <li>• Further enhancing the area's ecological integrity, with the creation of an intertidal Rockweed Beach along the new waterfront, aiming to restore the shoreline to a high-productivity marine environment.</li> <li>• The addition of Reef Balls (artificial reefs), strategically positioned along the project site's slopes, fostering marine vegetation growth and serving as a habitat for various aquatic species, including fish.</li> </ul>	<p>may authorize the harmful alteration, disruption, or destruction (HADD) of fish habitat if deemed appropriate under the circumstances. Fish habitat compensation is typically required under those circumstances.</p>		
				<p>The Dartmouth Cove Remediation Project will play a crucial role in developing Dartmouth Cove by responsibly capping the industrial and sewage sludge currently on the seabed, keeping contaminants contained while creating a new fish habitat that aligns with the City's efforts to daylight Sawmill Creek.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>N/A</p>	<p>N/A</p>
				<p>The project will provide a much-needed site to environmentally sequester pyritic slate from vital housing and hospital developments in our province – an increasingly urgent requirement for all new housing developments in HRM and the province as they try to respond to the rapid growth in Nova Scotia.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>N/A</p>	<p>N/A</p>
				<p>By converting this area into usable land, the project directly addresses pressing housing demands by creating opportunities for new residential development, ultimately fostering a vibrant and diverse neighbourhood in line with the Centre Plan.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>By converting this area into usable land, the project directly addresses pressing housing demands by creating opportunities for new residential development, ultimately fostering a vibrant and diverse neighbourhood in line with the Centre Plan.</p>	<p>Under Alternative #1, the Water Access Designation and Zone act as disincentives to water lot infilling, by limiting the permitted land uses of the water lots, once infilled, to a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use. The Water Access Zone also applies other controls to water lots,</p>

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							<p>including a maximum building height precinct of 11 metres.</p> <p>Council has the ability, under Alternative #2 of the staff report, to remove one or several water lots in Dartmouth Cove from the applicability of the amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.</p>
				<p>The project fits within the larger vision of the Downtown Dartmouth Waterfront Revitalization Project which seeks to improve access, connectivity, cultural activity and future development opportunities along the Dartmouth Waterfront. From the Woodside terminal to Alderney Landing and including the Dartmouth Cove, this project will require a built interface between the shoreline and the water. The proposed by-law would sabotage rather than advance HRM's Downtown Dartmouth Waterfront Revitalization Project.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	N/A	N/A
				<p>Once usable, The Dartmouth Cove Remediation Project will provide improved emergency access to the Cove and create enhanced waterfront access for future development in the heart of the Dartmouth Waterfront, building on the growth and momentum in the area while improving the walking trail and providing more access and public uses for residents and visitors.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>Once usable, The Dartmouth Cove Remediation Project will provide improved emergency access to the Cove and create enhanced waterfront access for future development in the heart of the Dartmouth Waterfront, building on the growth and momentum in the area while improving the walking trail and providing more access and public uses for residents and visitors.</p>	<p>Under Alternative #1, the Water Access Designation and Zone permit a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use.</p> <p>Council has the ability, under Alternative #2 of the staff report, to remove one or several water lots in Dartmouth Cove from the applicability of the proposed amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.</p>

PID	Ownership	Current or Abutting Zone/DA/Active Planning App	<b>Letter Received</b> <i>All letters are included in Attachment E, Correspondence from Water Lot Owners</i>	<b>Concerns/Comments Tied to Infilling Regulations</b>	<b>HRM Response</b>	<b>Concerns/Comments Tied to WA Designation and Zoning</b>	<b>HRM Response (related to Alternative #1)</b>
				<p>The project will provide additional berthing space for recreational and commercial vessels, and additional waterfront parkland and spaces for active recreation like fishing.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p>The project will provide additional berthing space for recreational and commercial vessels, and additional waterfront parkland and spaces for active recreation like fishing.</p>	<p>The Water Access Designation and Zone permit a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use.</p>
				<p><b>Limiting the Ability to Respond to the Housing Crisis</b>  Concern that restrictions on infill will block opportunities for urgently needed housing development in a growing urban area.</p>	<p>Staff are not recommending proceeding with regulations on water lot infilling. Please refer to the Discussion section of the staff report for further details.</p>	<p><b>Limiting the Ability to Respond to the Housing Crisis</b>  Concern that restrictions on infill will block opportunities for urgently needed housing development in a growing urban area.</p>	<p>The Water Access Designation and Zone act as disincentives to water lot infilling, by limiting the permitted land uses of the water lots, once infilled, to a boating club use, a conservation use, a park use, a water access structure use, a historic site or monument use, a temporary construction use, a transportation facility use (ferry terminal), and a utility use. The Water Access Zone also applies other controls to water lots, including a maximum building height precinct of 11 metres.</p> <p>Council has the ability, under Alternative #2 of the staff report, to remove one or several water lots in Dartmouth Cove from the applicability of the amendments to designate/re-designate and zone/re-zone the water lots to the Water Access Designation and Zone.</p>

**ATTACHMENT F:**  
**PROPOSED AMENDMENTS TO THE REGIONAL CENTRE SECONDARY MUNICIPAL PLANNING STRATEGY**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Regional Centre Secondary Municipal Planning Strategy is hereby amended as follows:

1. The thirteenth paragraph of the preamble of Section 2.1 (URBAN STRUCTURE DESIGNATIONS) is amended, as shown below in **bold**, by adding the words and comma “in Dartmouth Cove,” after the words and comma “Lake Mic Mac,” and before the words “and on the east side of the Northwest Arm”.

The Water Access Designation is applied to water lots on Lake Banook, Lake Mic Mac, **in Dartmouth Cove**, and on the east side of the Northwest Arm. The intent of the Water Access Designation is to control development on infilled lots and preserve the environmental, aesthetic and recreational qualities of waterfronts.

2. The preamble of Section 2.12 (WATER ACCESS DESIGNATION) is amended, as shown below in **bold** and ~~strikeout~~, by:
  - (a) adding the words “and Dartmouth Cove” after the words “to water lots located in the Northwest Arm” and before the words “of Halifax Harbour” in the second sentence of the first paragraph;
  - (b) adding a comma after the words “Lake Banook” and before the words “and Lake Mic Mac” in the second sentence of the first paragraph;
  - (c) adding a comma after the words “On Lake Banook” in the third sentence of the first paragraph;
  - (d) deleting the word “and” after the words and comma “On Lake Banook,” in the third sentence of the first paragraph and replacing it with the word “on”;
  - (e) adding the words and comma “and in Dartmouth Cove,” after the words and comma “Lake Mic Mac,” and before the words “the Designation limits” in the third sentence of the first paragraph;
  - (f) adding the words “and in Dartmouth Cove” after the words “granted by the Federal Government on the Northwest Arm” and before the comma in the last sentence of the second paragraph;
  - (g) adding a comma after the words “Lake Banook” in the last sentence of the third paragraph;
  - (h) deleting the word “and” after the words and comma “Lake Banook,” in the last sentence of the third paragraph and replacing it with the word “on”; and
  - (i) adding a comma and the words “, and in Dartmouth Cove” after the words “Lake Mic Mac” in the last sentence of the third paragraph.

2.12 WATER ACCESS DESIGNATION

The Water Access Designation, shown on Map 1, is intended to protect the unique character and environment of waterfront neighbourhoods. The Designation is applied to water lots located in the Northwest Arm **and Dartmouth Cove** of Halifax Harbour, Lake Banook, and Lake Mic Mac. On Lake Banook, ~~and~~ on Lake Mic Mac, **and in Dartmouth Cove**, the Designation limits the

development of infilled water lots. In the Northwest Arm, the Designation restricts water lot infilling and limits the development of infilled water lots.

While waterfront property ownership now typically stops at the shoreline, a number of lots exist around these waterbodies that were created prior to Confederation in 1867. Known as pre-confederation water lots, these lots can be infilled if approval is granted by the Federal Government on the Northwest Arm **and in Dartmouth Cove**, or by the Provincial Government on Lake Banook and Lake Mic Mac.

In 2007, a Water Access Designation and related zone were first established for the Northwest Arm area of the Halifax Harbour under former planning policies and land use regulations that were in effect at the time. The intent was to preserve the unique character and environment of the shoreline, and support recreation opportunities. While infilling of water lots could not be prevented, the designation and zone discouraged infilling by limiting development on infilled areas to park and recreational uses. Under this Plan, the Water Access Designation and related zone are maintained for the Northwest Arm of the Halifax Harbour and extended to water lots located on Lake Banook, ~~and~~ on Lake Mic Mac, **and in Dartmouth Cove**.

In 2023, Justice Canada indicated on behalf of Transport Canada a willingness to recognize or otherwise permit a limited jurisdiction for the Municipality over infilling on the Northwest Arm. Staff of the department have indicated a willingness to recommending to the Minister the issuance of conditional approvals under the *Canadian Navigable Waters Act* (CNWA), over water lot infilling activities on the Northwest Arm. This approach would see Ministerial approvals require applicants to be compliant with the Municipality's municipal land use regulations.

Policies under this designation provide direction and framework to control development on lands that abut water lots by establishing Special Areas regulations in the Land Use By-law. Each of these Special Areas will establish reference lines that approximately represent the existing shorelines, which will be used for calculating minimum lot area and setbacks. To support recreational development, an exemption is made for existing boat clubs.

3. Objective (2) of Section 2.12 (WATER ACCESS DESIGNATION) is amended, as shown below in **bold** and ~~strikeout~~, by:
- (a) adding a comma after the words "Lake Banook;
  - (b) deleting the word "and" after the words and comma "Lake Banook," and before the words "Lake Mic Mac"; and
  - (c) adding a comma and the words ", and Dartmouth Cove" after the words "Lake Mic Mac" and before the words "by limiting development".

Objectives:

1. Protect the unique character, environment and recreation opportunities of the community around the Northwest Arm of Halifax Harbour by restricting water lot infilling and limiting development on infilled water lots.
2. Protect the unique character, environment and recreation opportunities of the communities around Lake Banook, ~~and~~ Lake Mic Mac, **and Dartmouth Cove** by limiting development on infilled water lots.

4. Policy W-2 of Section 2.12 (WATER ACCESS DESIGNATION) is amended, as shown below in **bold** and ~~strikeout~~, by deleting the word “and” after the words, brackets, acronym, and comma “the Lake Micmac (LM) Special Area,” and before the words, brackets, and acronym “the Boat Clubs (BC) Special Area”, and replacing it with the words, brackets, acronym, and comma “the Dartmouth Cove (DC) Special Area, and”.

Policy W-2

The Land Use By-law shall establish the Northwest Arm (NWA) Special Area, the Lake Banook (LB) Special Area, the Lake Micmac (LM) Special Area, ~~and~~**the Dartmouth Cove (DC) Special Area, and** the Boat Clubs (BC) Special Area over the WA Zone and abutting zones and properties. These special areas shall:

- a) establish the shoreline reference line and additional land use permissions and requirements related to setbacks from the shoreline reference line, structures and land uses permitted in those areas;
  - b) prohibit the inclusion of the area of infilled water lots when calculating minimum lot area, setbacks from the shoreline reference line, and rear lot setbacks;
  - c) establish exemptions for shoreline reference line setbacks for the Boat Clubs (BC) Special Area; and
  - d) restrict water lot infilling activities in the Northwest Arm (NWA) Special Area to those related to the following developments:
    - (i) public infrastructure,
    - (ii) utility uses,
    - (iii) publicly owned or operated ferry terminals,
    - (iv) parks on public land,
    - (v) municipal, provincial, and national historic sites and monuments, and
    - (vi) retaining walls.
5. Policy W-3 of Section 2.12 (WATER ACCESS DESIGNATION) is amended, as shown below in **bold** and ~~strikeout~~, by:
- (a) deleting the word “and” after the words, brackets, acronym, and comma “the Lake Banook (LB) Special Area,” and before the words, brackets, and acronym “the Lake Micmac (LM) Special Area”; and
  - (b) adding the comma, words, brackets, and acronym “, and the Dartmouth Cove (DC) Special Area” after the words, brackets, and acronym “the Lake Micmac (LM) Special Area” and before the words “to the Development Officer”.

Policy W-3

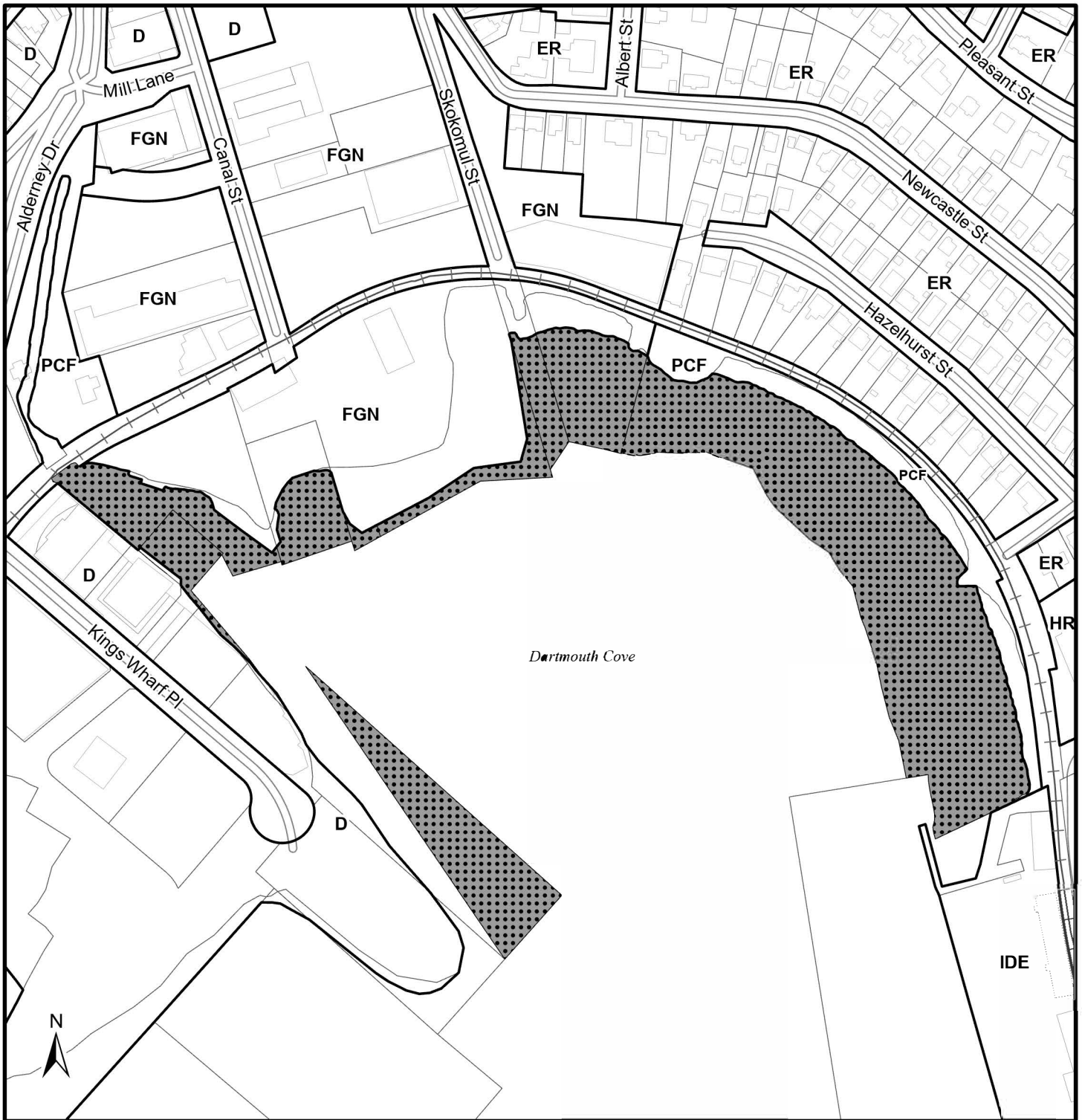
The Municipality shall encourage the respective provincial and federal approval authorities to refer any marine related infrastructure or water lot infilling requests and applications occurring within the Northwest Arm (NWA) Special Area, the Lake Banook (LB) Special Area, ~~and~~ the Lake Micmac (LM) Special Area, **and the Dartmouth Cove (DC) Special Area** to the Development Officer for review of compliance with the Land Use By-law.

6. Map 1 (Urban Structure Designations) is amended by applying the Water Access (WA) Designation to the areas as shown as “Areas to be designated WA (Water Access)” on Attachment F-1.
7. Map 1 (Urban Structure Designations) is amended by re-designating the areas from:
  - (a) FGN (Future Growth Node) to WA (Water Access) as shown as “Areas to be re-designated from FGN to WA (Water Access)”;
  - (b) D (Downtown) to WA (Water Access) as shown as “Areas to be re-designated from D to WA (Water Access)”;
  - (c) PCF (Park and Community Facility) to WA (Water Access) as shown as “Areas to be re-designated from PCF to WA (Water Access)”

, on Attachment F-2.
8. Map 4 (Maximum Building Height Precincts) is amended by applying a maximum building height precinct of 11 metres to the areas as shown as “Areas to have Maximum Building Height Precinct of 11 metres applied” on Attachment F-3.
9. Map 4 (Maximum Building Height Precincts) is amended by reducing the assigned maximum building height precinct from 20 metres to 11 metres for the shaded areas as shown as “Areas to have Maximum Building Height Precinct Reduced from 20 metres to 11 metres” on Attachment F-4.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_. GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk




## Attachment F-1 - Amendments to Map 1: Urban Structure Designations

**HALIFAX**

Dartmouth Cove  
Dartmouth

### Designation

 Areas to be designated  
WA (Water Access)

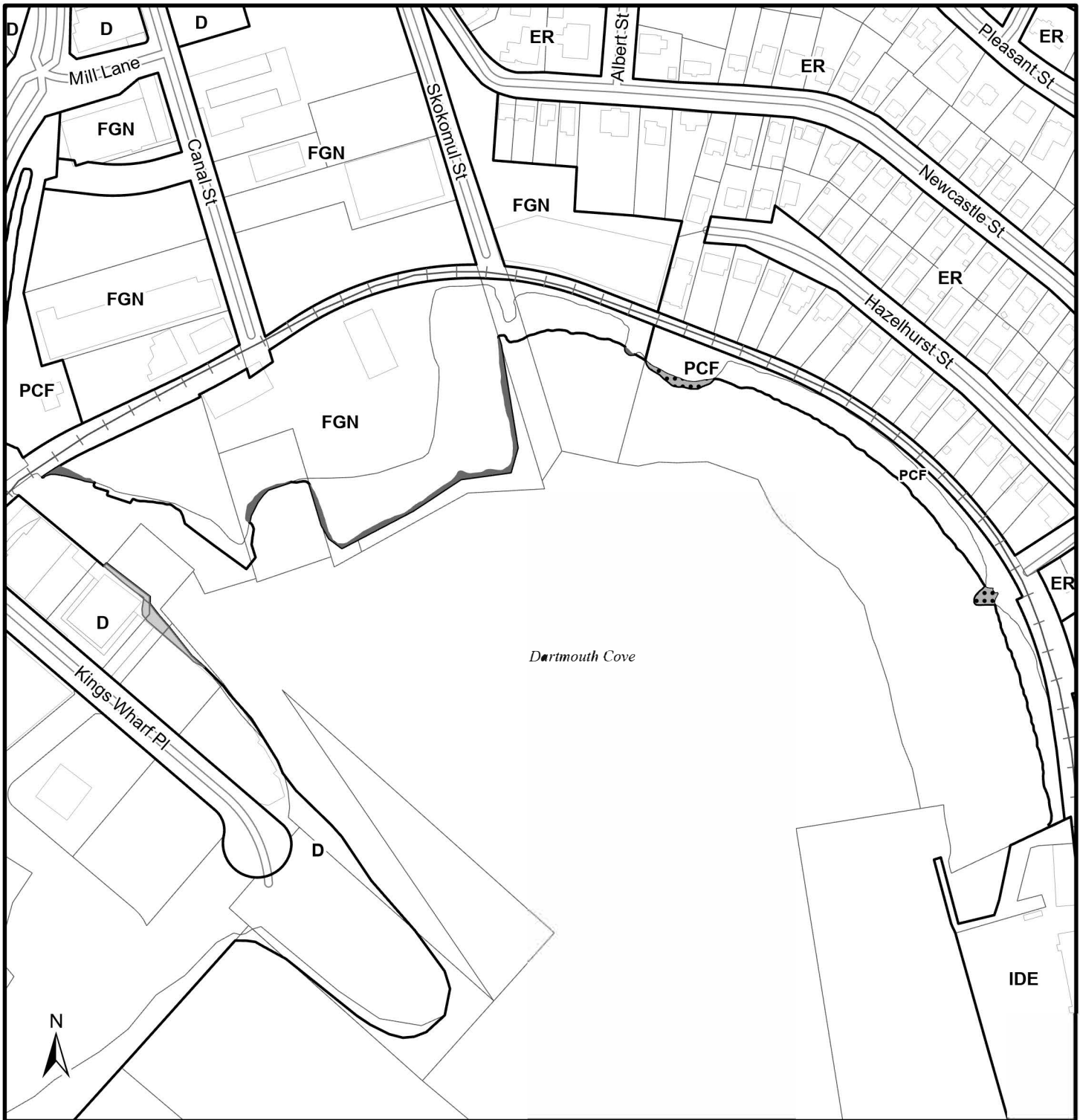
- D Downtown
- ER Established Residential
- FGN Future Growth Node
- HR Higher-Order Residential
- IDE Industrial Employment
- PCF Park and Community Facility



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.




Regional Centre Plan Area



## Attachment F-2 - Amendments to Map 1: Urban Structure Designations

**HALIFAX**


Dartmouth Cove  
Dartmouth

-  Areas to be re-designated from FGN to WA (Water Access)
-  Areas to be re-designated from D to WA (Water Access)
-  Areas to be re-designated from PCF to WA (Water Access)

### Designation

- D Downtown
- ER Established Residential
- FGN Future Growth Node
- IDE Industrial Employment
- PCF Park and Community Facility

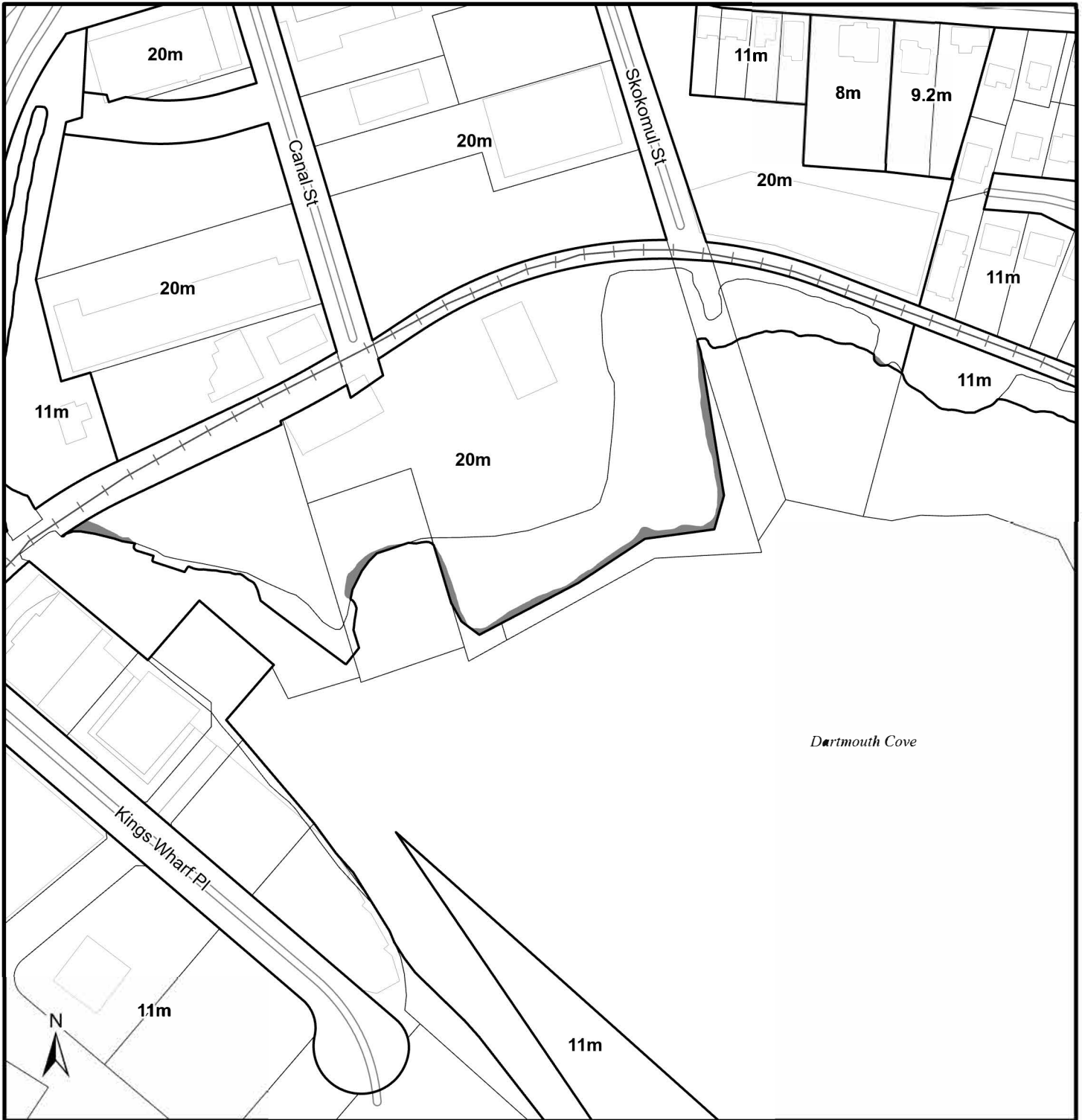
0 40 80 m



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.




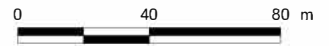



### Attachment F-4 - Amendments to Map 4: Maximum Building Height Precincts

Dartmouth Cove  
Dartmouth

**HALIFAX**

 Areas to have Maximum Building Height Precinct  
Reduced from 20 metres to 11 metres



 Existing Maximum Height Precinct  
(metres and storeys)

This map is an unofficial reproduction of a portion of the plan area indicated.

Regional Centre Plan Area

The accuracy of any representation on this plan is not guaranteed.

**ATTACHMENT G:  
PROPOSED AMENDMENTS TO THE REGIONAL CENTRE LAND USE BY-LAW**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that the Regional Centre Land Use By-law is hereby amended as follows:

1. Subsection 29(1) is amended, as shown below in **bold** and ~~strikeout~~, by:
  - (a) deleting the word “and” at the end of Clause (bf), after the semi-colon; and
  - (b) adding one new clause immediately below Clause (bg).
    - (bf) Schedule 51: Shadow Impact Assessment Protocol – Identified Areas; ~~and~~
    - (bg) Schedule 52: 100-Series Highways;
    - (bh) Schedule 53: Plan Showing Reference Line as of Year 2024 Dartmouth Cove Halifax, N.S.;**
  
2. Subsection 30(2) is amended, as shown below in **bold**, by adding a new clause immediately below clause (ah):

30(2) This By-law establishes the following special areas:

Watercourse Special Areas (Schedule 3E)

  - (ae) Boat Clubs (BC);
  - (af) Lake Banook (LB);
  - (ag) Lake Micmac (LM);
  - (ah) Northwest Arm (NWA);
  - (ah.5) Dartmouth Cove (DC);**
  
3. Footnote ~~25~~ at the end of Table 1C is amended, as shown below in **bold** and ~~strikeout~~, by:
  - (a) deleting the words, numbers, commas, and period “terminals in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12.” and replacing them with a colon; and
  - (b) adding two clauses immediately below the colon.

~~25~~ Use is restricted to publicly owned or operated ferry terminals in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12.:

    - (a) in the Northwest Arm Special Area, as shown on Schedule 3E, beyond the reference line of the Northwest Arm, as shown on Schedule 12; and**
    - (b) in the Dartmouth Cove Special Area, as shown on Schedule 3E, beyond the reference line of Dartmouth Cove, as shown on Schedule 53.**
  
4. Chapter 4 of Part III is amended, as shown below in **bold**, by adding a new header and a new section immediately after Section 76 and immediately before Section 77:

**Dartmouth Cove (DC) Special Area**

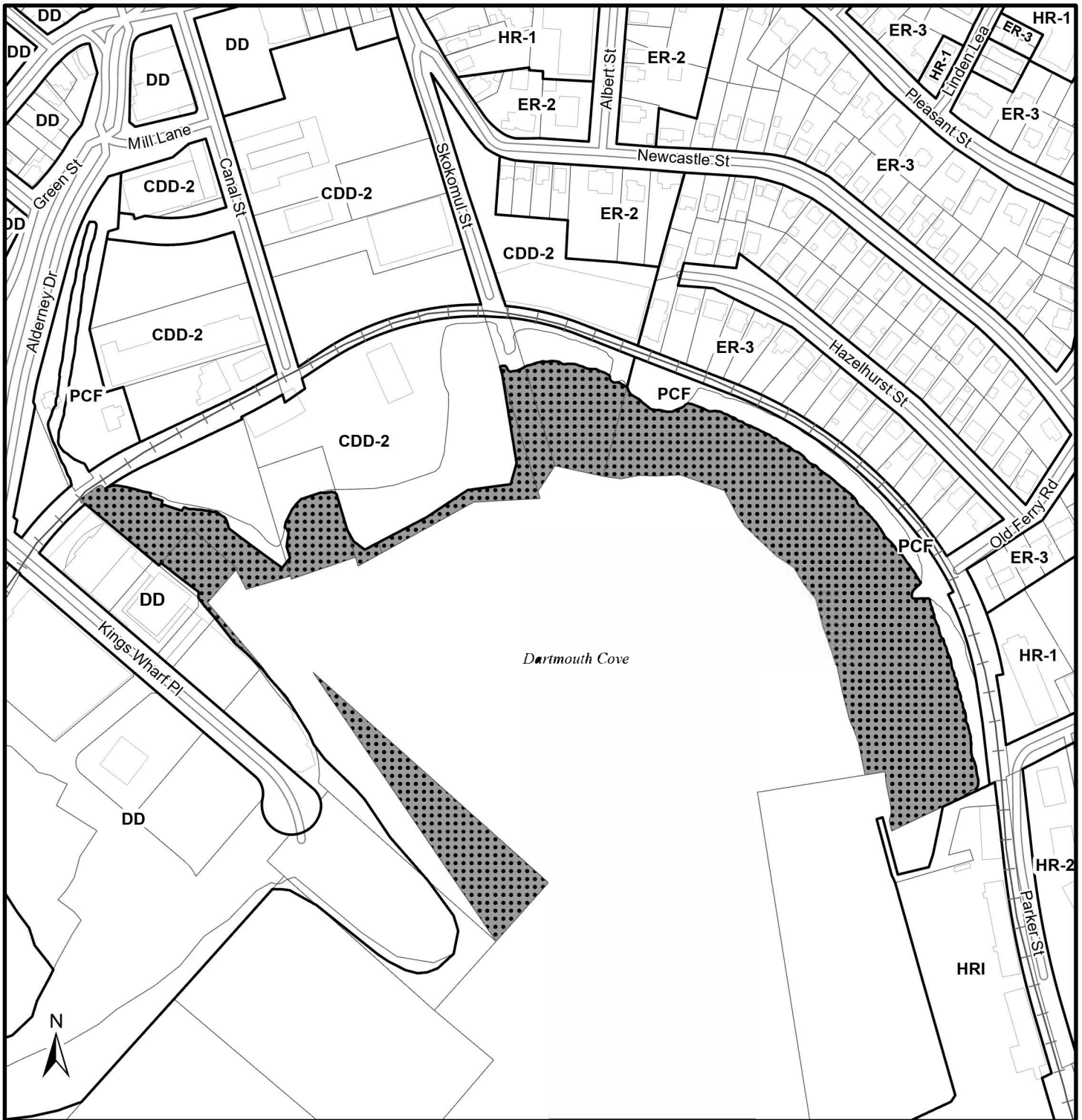
**76.5 (1) Within the Dartmouth Cove (DC) Special Area, as shown on Schedule 3E, the reference line of Dartmouth Cove is as shown on Schedule 53.**

5. Schedule 2 (Zone Boundaries) is amended by applying the Water Access (WA) Zone to the areas as shown as “Areas to be zoned WA (Water Access)” on Attachment G-1.
6. Schedule 2 (Zone Boundaries) is amended by re-zoning the areas from:
  - (a) CDD-2 (Comprehensive Development District 2) to WA (Water Access) as shown as “Areas to be re-zoned from CDD-2 to WA (Water Access)”;
  - (b) DD (Downtown Dartmouth) to WA (Water Access) as shown as “ Areas to be re-zoned from DD to WA (Water Access)”;
  - (c) PCF (Parks and Community Facility) to WA (Water Access) as shown as “Areas to be re-zoned from PCF to WA (Water Access)”,on Attachment G-2.
7. Schedule 3E (Watercourse Special Areas) is amended by adding the DC (Dartmouth Cove) Special Area to the legend and applying the DC (Dartmouth Cove) Special Area to the areas as shown as “Areas to be added as DC (Dartmouth Cove) in Schedule 3E: Watercourse Special Areas” on Attachment G-3.
8. Schedule 15 (Maximum Building Height Precincts) is amended by applying a maximum building height precinct of 11 metres to the areas as shown as “Areas to have Maximum Building Height Precinct of 11 metres applied” on Attachment G-4.
9. Schedule 15 (Maximum Building Height Precincts) is amended by reducing the assigned maximum building height precinct from 20 metres to 11 metres for the shaded areas as shown as “Areas to have Maximum Building Height Precinct Reduced from 20 metres to 11 metres” on Attachment G-5.
10. By adding “Schedule 53: Plan Showing Reference Line as of Year 2024 Dartmouth Cove Halifax, N.S.”, as shown on Attachment G-6.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk




### Attachment G-1 - Amendments to Schedule 2: Zone Boundaries

**HALIFAX**

Dartmouth Cove  
Dartmouth

**Zone**

 Areas to be zoned  
WA (Water Access)

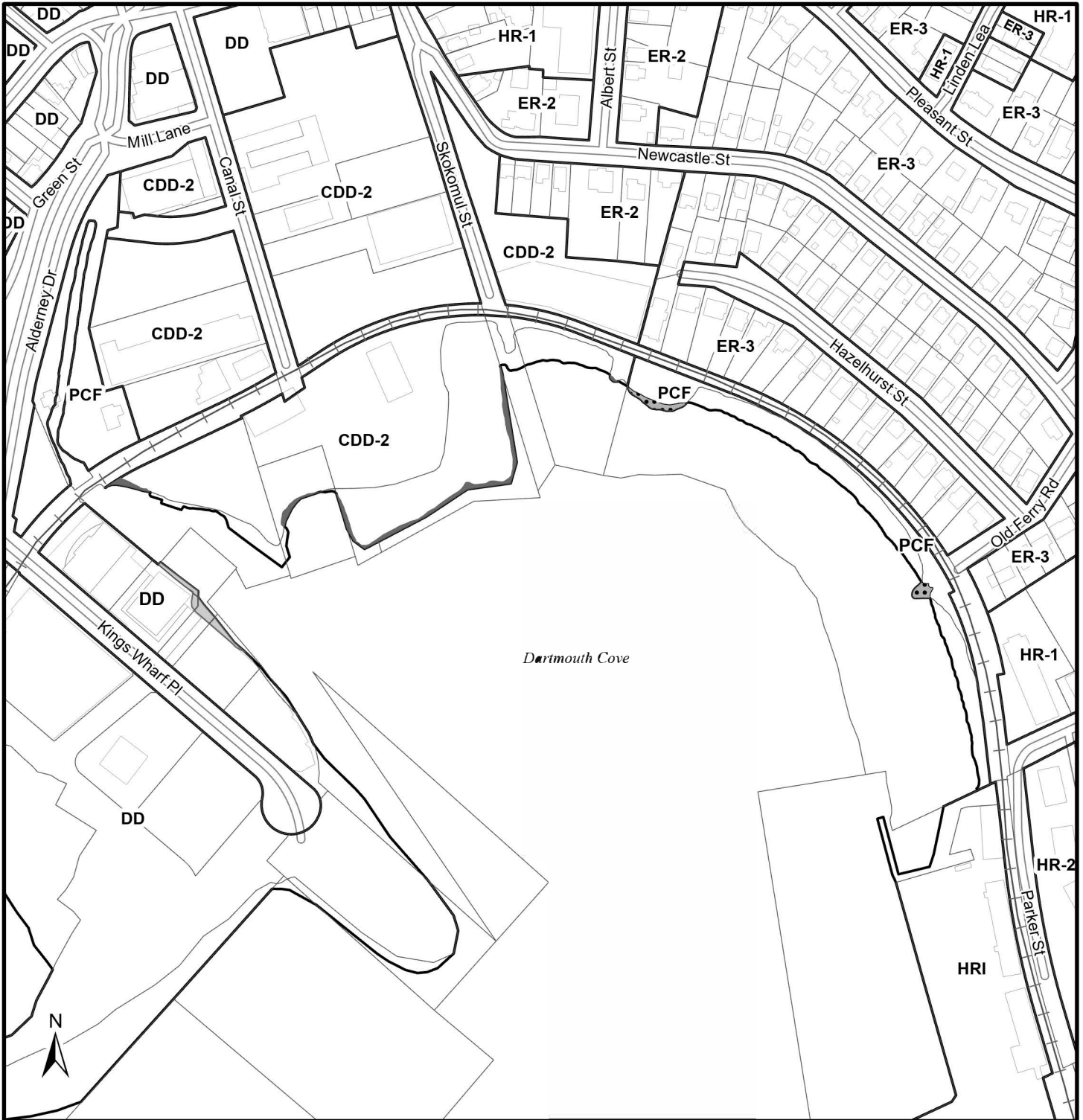
- CDD-2 Comprehensive Development District 2
- DD Downtown Dartmouth
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- HR-1 Higher-Order Residential 1
- HR-2 Higher-Order Residential 2
- HRI Harbour-Related Industrial
- PCF Parks and Community Facility



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Regional Centre Land Use By-Law






## Attachment G-2 - Amendments to Schedule 2: Zone Boundaries

**HALIFAX**

Dartmouth Cove  
Dartmouth

### Zone

-  Areas to be re-zoned from CDD-2 to WA (Water Access)
-  Areas to be re-zoned from DD to WA (Water Access)
-  Areas to be re-zoned from PCF to WA (Water Access)

- CDD-2
- DD
- ER-2
- ER-3
- HR-1
- HR-2
- HRI
- PCF

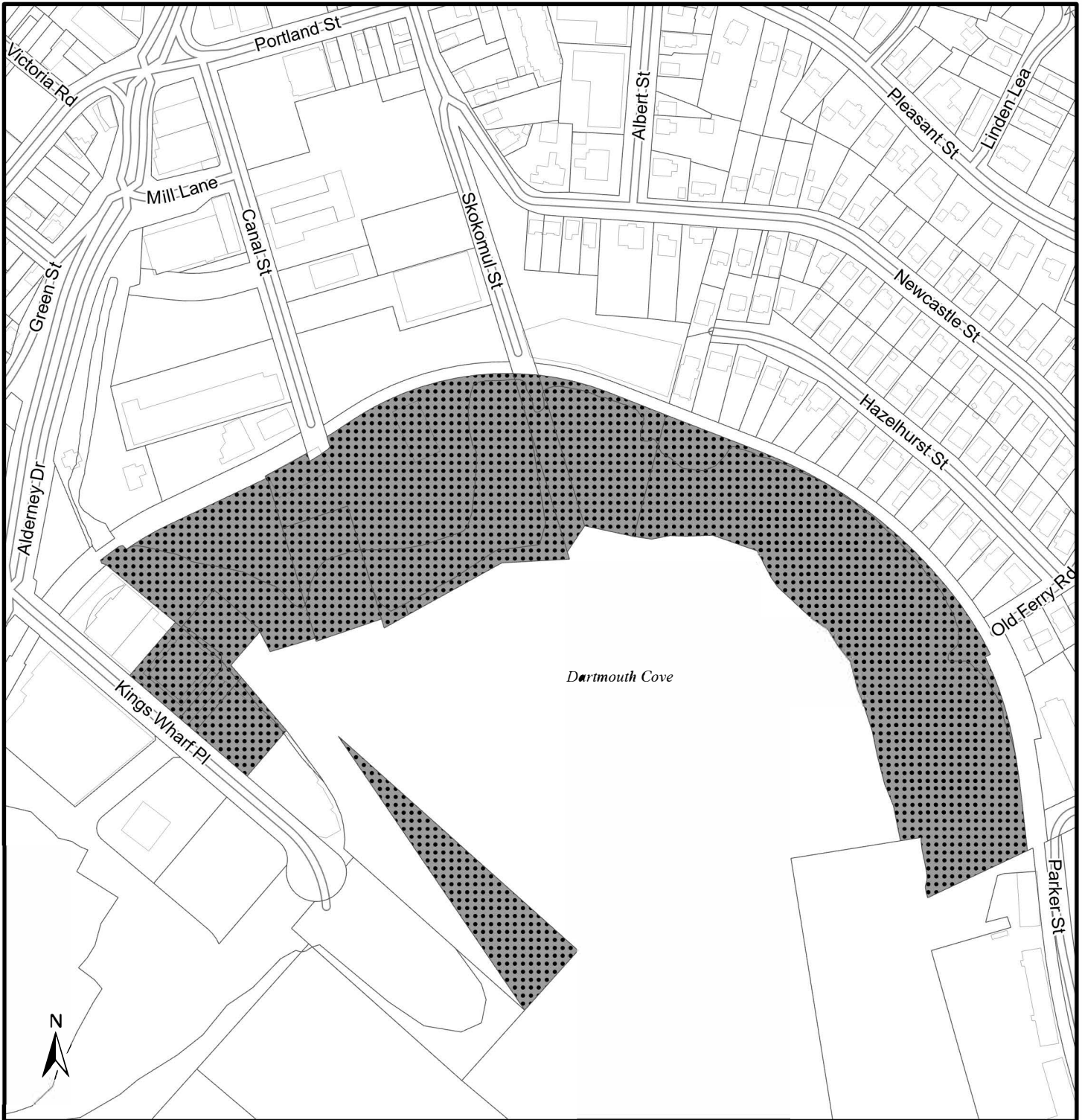
- Comprehensive Development District 2
- Downtown Dartmouth
- Established Residential 2
- Established Residential 3
- Higher-Order Residential 1
- Higher-Order Residential 2
- Harbour-Related Industrial
- Parks and Community Facility

0 40 80 120 m



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.




## Attachment G-3 - Amendments to Schedule 3E: Watercourse Special Areas

**HALIFAX**

Dartmouth Cove  
Dartmouth

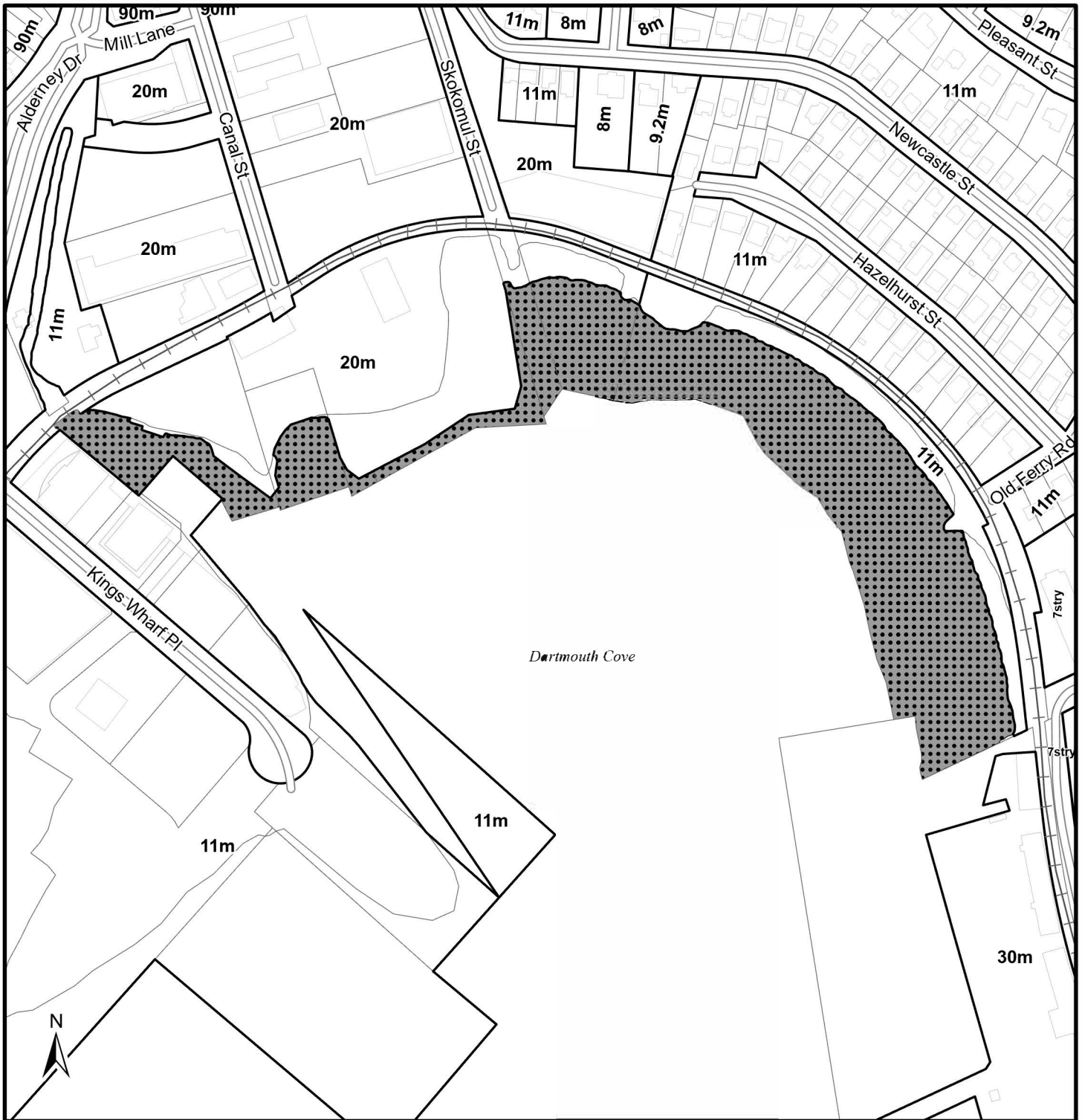


 Areas to be added as DC (Dartmouth Cove) in Schedule 3E: Watercourse Special Areas

This map is an unofficial reproduction of a portion of the plan area indicated.

Regional Centre Land Use By-Law


The accuracy of any representation on this plan is not guaranteed.




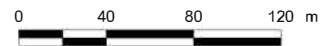
## Attachment G-4 - Amendments to Schedule 15: Maximum Building Height Precincts

Dartmouth Cove  
Dartmouth

**HALIFAX**

 Areas to have Maximum Building Height Precinct of 11 metres applied

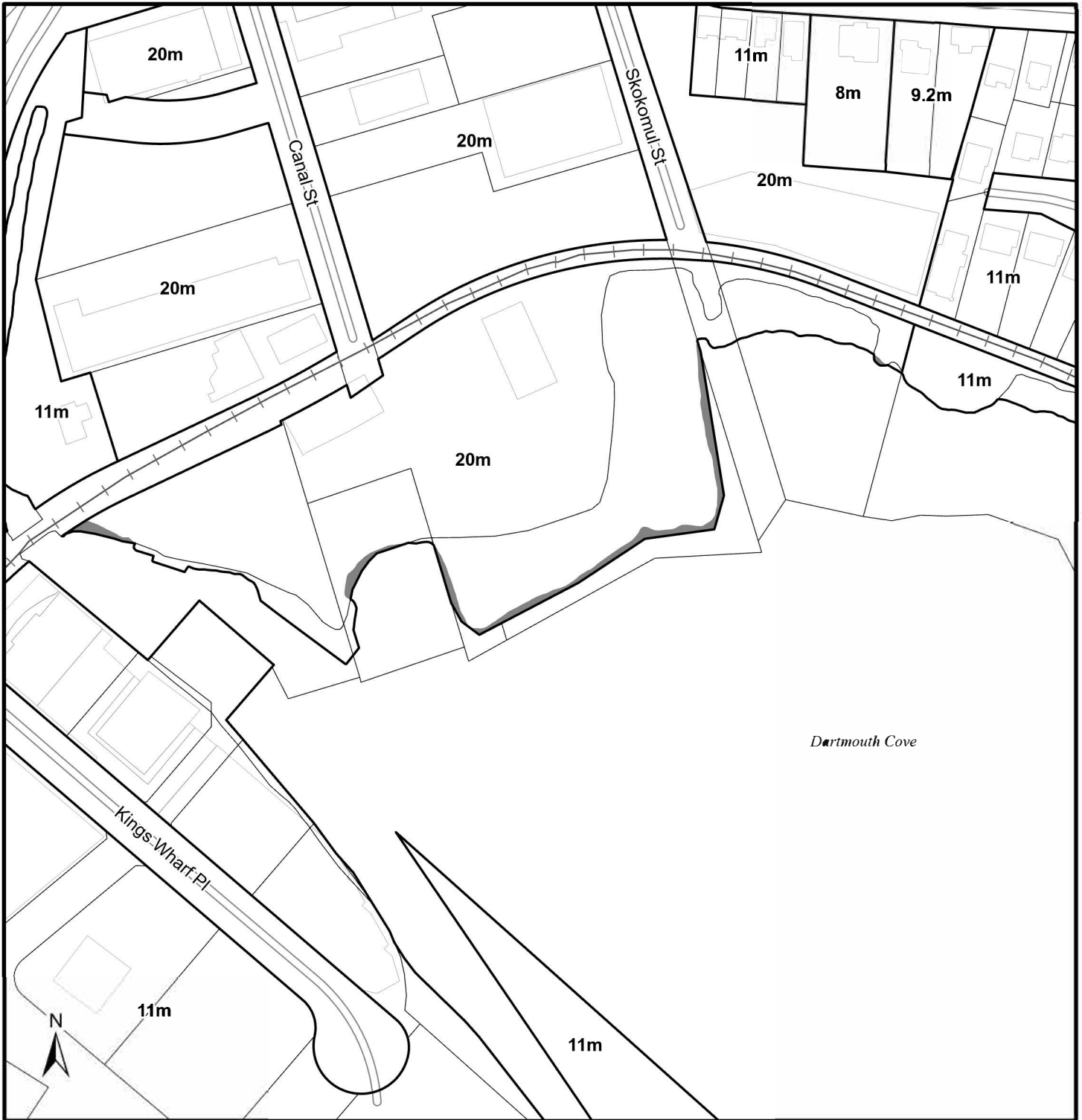
 Existing Maximum Height Precinct (metres and storeys)



This map is an unofficial reproduction of a portion of the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.


Regional Centre Land Use By-Law

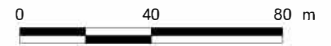



**Attachment G-5 - Amendments to Schedule 15: Maximum Building Height Precincts**

Dartmouth Cove  
Dartmouth

**HALIFAX**

 Areas to have Maximum Building Height Precinct  
Reduced from 20 metres to 11 metres



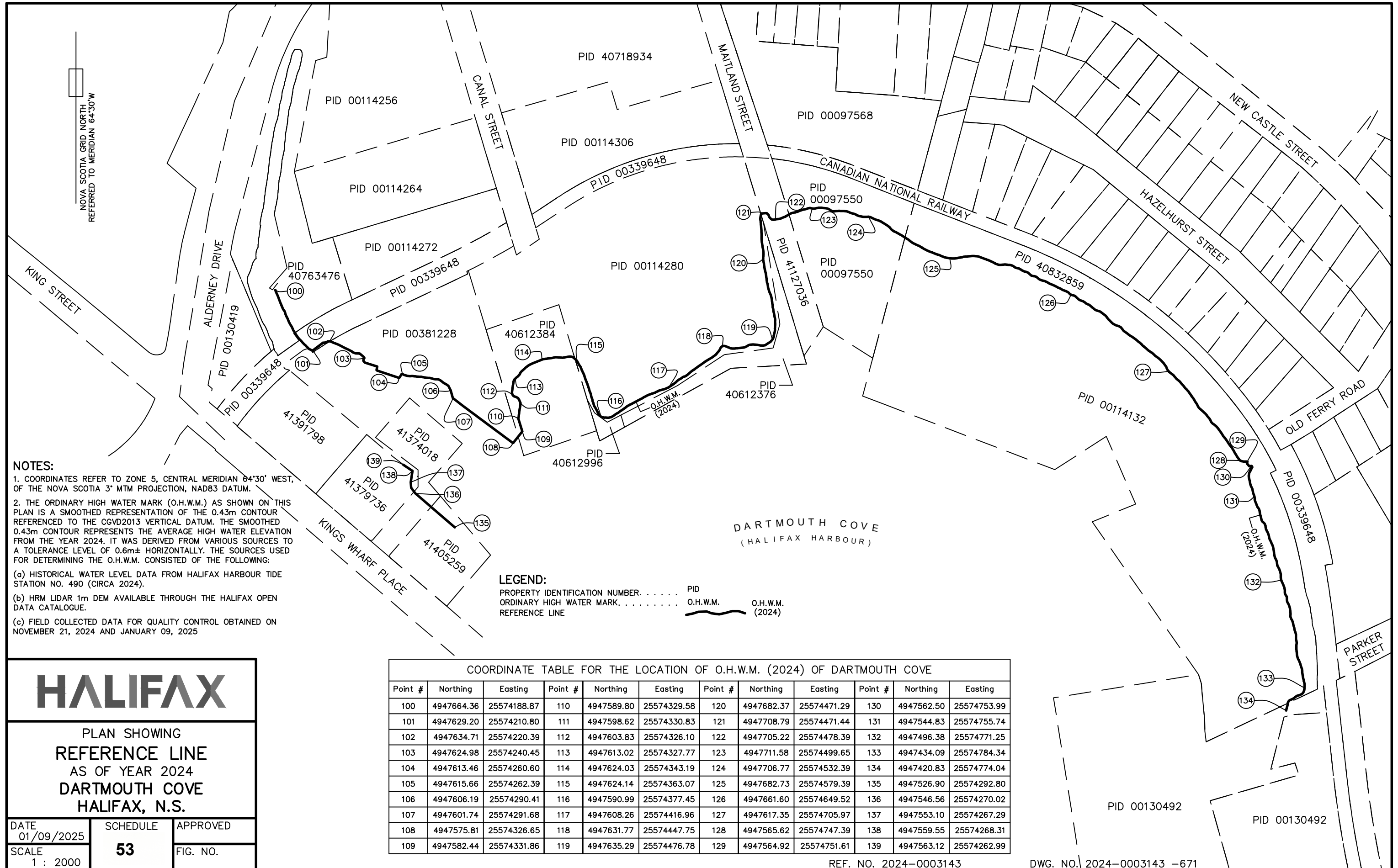
 Existing Maximum Height Precinct  
(metres and storeys)

This map is an unofficial reproduction of a portion of the plan area indicated.

Regional Centre Land Use By-Law

The accuracy of any representation on this plan is not guaranteed.

# Attachment G-6



**NOTES:**

- COORDINATES REFER TO ZONE 5, CENTRAL MERIDIAN 64°30' WEST, OF THE NOVA SCOTIA 3° MTM PROJECTION, NAD83 DATUM.
- THE ORDINARY HIGH WATER MARK (O.H.W.M.) AS SHOWN ON THIS PLAN IS A SMOOTHED REPRESENTATION OF THE 0.43m CONTOUR REFERENCED TO THE CGVD2013 VERTICAL DATUM. THE SMOOTHED 0.43m CONTOUR REPRESENTS THE AVERAGE HIGH WATER ELEVATION FROM THE YEAR 2024. IT WAS DERIVED FROM VARIOUS SOURCES TO A TOLERANCE LEVEL OF 0.6m± HORIZONTALLY. THE SOURCES USED FOR DETERMINING THE O.H.W.M. CONSISTED OF THE FOLLOWING:
  - (a) HISTORICAL WATER LEVEL DATA FROM HALIFAX HARBOUR TIDE STATION NO. 490 (CIRCA 2024).
  - (b) HRM LIDAR 1m DEM AVAILABLE THROUGH THE HALIFAX OPEN DATA CATALOGUE.
  - (c) FIELD COLLECTED DATA FOR QUALITY CONTROL OBTAINED ON NOVEMBER 21, 2024 AND JANUARY 09, 2025

**LEGEND:**  
 PROPERTY IDENTIFICATION NUMBER . . . . . PID  
 ORDINARY HIGH WATER MARK . . . . . O.H.W.M.  
 REFERENCE LINE

Point #	Northing	Easting	Point #	Northing	Easting	Point #	Northing	Easting	Point #	Northing	Easting
100	4947664.36	25574188.87	110	4947589.80	25574329.58	120	4947682.37	25574471.29	130	4947562.50	25574753.99
101	4947629.20	25574210.80	111	4947598.62	25574330.83	121	4947708.79	25574471.44	131	4947544.83	25574755.74
102	4947634.71	25574220.39	112	4947603.83	25574326.10	122	4947705.22	25574478.39	132	4947496.38	25574771.25
103	4947624.98	25574240.45	113	4947613.02	25574327.77	123	4947711.58	25574499.65	133	4947434.09	25574784.34
104	4947613.46	25574260.60	114	4947624.03	25574343.19	124	4947706.77	25574532.39	134	4947420.83	25574774.04
105	4947615.66	25574262.39	115	4947624.14	25574363.07	125	4947682.73	25574579.39	135	4947526.90	25574292.80
106	4947606.19	25574290.41	116	4947590.99	25574377.45	126	4947661.60	25574649.52	136	4947546.56	25574270.02
107	4947601.74	25574291.68	117	4947608.26	25574416.96	127	4947617.35	25574705.97	137	4947553.10	25574267.29
108	4947575.81	25574326.65	118	4947631.77	25574447.75	128	4947565.62	25574747.39	138	4947559.55	25574268.31
109	4947582.44	25574331.86	119	4947635.29	25574476.78	129	4947564.92	25574751.61	139	4947563.12	25574262.99

# HALIFAX

PLAN SHOWING  
 REFERENCE LINE  
 AS OF YEAR 2024  
 DARTMOUTH COVE  
 HALIFAX, N.S.

DATE 01/09/2025	SCHEDULE <b>53</b>	APPROVED
SCALE 1 : 2000		FIG. NO.

## **Attachment H: Other Related Projects in Dartmouth Cove**

As detailed in the Discussion section of the Staff report, Council has two alternatives to consider. Should Council choose to proceed with either option, this information provides important context regarding several related municipal projects and initiatives in the Dartmouth Cove area:

### Dundas Street Extension Development Charges

Council has adopted By-law D-600 *Respecting Development Charges for Dartmouth Cove*, which establishes development charges to recover \$5.5 million from future development in Dartmouth Cove for the Dundas Street extension. This funding is not contingent on water lot infilling occurring in Dartmouth Cove. If water lot infilling occurred adjacent to the future growth node, By-law D-600 may require amendments to redistribute the development charges to include the newly created land.

### Planning Application – 1 Canal Street, Dartmouth

Planning and Development has received an application for a development agreement to allow a mixed-use project at 1 Canal Street, Dartmouth. The amendments, included in Attachments G and H, involve multiple water lot properties along Canal Street. The planning application is in the early stages of the planning process and the property owner is conducting the necessary background studies and assessments. Once the background studies and assessments are received and reviewed, staff will publish project details on the HRM website and schedule community engagement on the proposal.

It is important to note that the current proposal under review includes a parking structure that would be constructed into the water lots using a cofferdam. The parking structure podium roof is proposed to be topped with a waterfront promenade. Should Council choose to move forward with Alternative 1, the amendments would need to be incorporated into the planning application review process. The amendments would impact the dimensions of the proposed parking structure. Other components of the project appear not to be impacted.

### Kings Wharf – Triangular Lot PID 41164278

The development of the larger Kings Wharf site, located along Kings Wharf Place on the Dartmouth Waterfront, and surrounding lands, has been governed by a series of development agreements since the Harbour East Marine Drive Community Council (HEMDCC) approved the Stage 1 Development Agreement (DA) in 2008. HEMDCC discharged the 2008 agreement and approved a new Stage I DA on February 6, 2020. The 2020 agreement allows for a mixed-use development featuring 12 buildings ranging from 5 to 32 storeys, four new public streets, approximately 1,500 residential units, a hotel, office and commercial space, as well as public and private parks, boardwalks, and two marinas.

The Triangular Lot, shown as Lot #1 on Map 1, falls under the Kings Wharf Phase 1 DA and has been envisioned for a marina use, subject to the completion of a Stage II DA. It is designated as D (Downtown) and zoned DD (Downtown Dartmouth) under the Centre Plan and By-law, respectively. The amendments would redesignate and rezone the site to a WA (Water Access) Designation and Zone. This change would preserve existing rights for the marina use, which is currently classified as a "boating club use" in the By-law.

### Sulfide-Bearing Material Management Issues and Alternatives

Sulfide-bearing materials (SBM), commonly known as pyritic slate, is a geological formation that can generate acidic runoff when exposed to air, requiring careful disposal during development. Pyritic slate is common throughout HRM and must be disposed of when development occurs. Current common practice is to submerge it in salt water to neutralize its effects.

In May 2022, Council directed the CAO to explore disposal site options, leading to an April 2023 Stantec Consulting report outlining eight management approaches without ranking them or providing a cost-benefit analysis. Additional information will be provided in a separate report to Council that will align with ongoing coastal strategy work by the Environment and Climate Change division and Development Engineering's Resilient Infrastructure Standards group. The report will be presented to Council within the 2025/26 fiscal year, as outlined in this year's Budget & Business Plan.

## ATTACHMENT I: Comparison Between Enabled and Proposed Zones and Land Uses

	PID	Ownership	Current Applied or Abutting Zone	Currently Enabled Land Uses	Proposed Zone	Proposed Future Land Uses
1	41164278	The Anchorage at Dartmouth Cove Property Development Inc.	Downtown Dartmouth (DD) – Active DA (Kings Wharf)	<ul style="list-style-type: none"> <li>Residential Uses, <u>except</u> for cluster housing use;</li> <li>Commercial Uses, <u>except</u> for commercial recreation, dealership, kennel, pawn shop, self-storage facility, and service station use;</li> <li>Urban Agriculture Uses, <u>except</u> for educational farm use;</li> <li>Institutional Uses, <u>except</u> for hospital use;</li> <li>Industrial Uses, <u>limited to</u> data storage centre use, marine-related use in the Dartmouth Waterfront (DW) Special Area, existing marine-related use, research and development facility, and wholesale food production use;</li> <li>Park and Community Facility, <u>except</u> for cemetery use;</li> <li>Water Access use; and</li> <li>Other uses such as accessory structure, historic site or monument, parking structure, temporary use, transportation facility, and utility use.</li> </ul> <p><u>Kings Wharf DA:</u> The lot falls under the Kings Wharf Phase 1 DA (2020), and has been envisioned for a marina use</p>	Water Access (WA)	<ul style="list-style-type: none"> <li>boating club use;</li> <li>conservation use;</li> <li>park use;</li> <li>water access structure use;</li> <li>historic site or monument use;</li> <li>temporary construction use;</li> <li>transportation facility use; and</li> <li>utility use.</li> </ul>

2	41374018	The Anchorage at Dartmouth Cove Property Development Inc.	Downtown Dartmouth (DD) – Active DA (Kings Wharf)	<ul style="list-style-type: none"> <li>• Residential Uses, <u>except</u> for cluster housing use;</li> <li>• Commercial Uses, <u>except</u> for commercial recreation, dealership, kennel, pawn shop, self-storage facility, and service station use;</li> <li>• Urban Agriculture Uses, <u>except</u> for educational farm use;</li> <li>• Institutional Uses, <u>except</u> for hospital use;</li> <li>• Industrial Uses, <u>limited to</u> data storage centre use, marine-related use in the Dartmouth Waterfront (DW) Special Area, existing marine-related use, research and development facility, and wholesale food production use;</li> <li>• Park and Community Facility, <u>except</u> for cemetery use;</li> <li>• Water Access Uses.</li> <li>• Other uses such as accessory structure, historic site or monument, parking structure, temporary use, transportation facility, and utility use.</li> </ul>	Water Access (WA)	<ul style="list-style-type: none"> <li>• boating club use;</li> <li>• conservation use;</li> <li>• park use;</li> <li>• water access structure use;</li> <li>• historic site or monument use;</li> <li>• temporary construction use;</li> <li>• transportation facility use; and utility use.</li> </ul>
3	00381228	Duck Rock Holdings Incorporated	Comprehensive Development District 2 (CDD-2)	<ul style="list-style-type: none"> <li>• Lands zoned Comprehensive Development District 2 (CDD-2) are to be developed through the Comprehensive Planning and Development Agreement processes.</li> <li>• The only uses permitted in the zone without a development agreement are:</li> </ul>	Water Access (WA)	<ul style="list-style-type: none"> <li>• boating club use;</li> <li>• conservation use;</li> <li>• park use;</li> <li>• water access structure use;</li> <li>• historic site or monument use;</li> <li>• temporary construction use;</li> <li>• transportation facility use; and utility use.</li> </ul>
4	40612384	Smithers Marine Services Limited	Comprehensive Development District 2 (CDD-2)		Water Access (WA)	
5	40612996	Smithers Marine	Comprehensive Development District 2 (CDD-2)		Water Access (WA)	

		Services Limited		<ul style="list-style-type: none"> <li>○ Commercial Uses permitted in the CEN-2 Zone;</li> <li>○ Institutional Uses permitted in the CEN-2 Zone; and</li> <li>○ any new building or an addition to an existing building limited to a maximum floor area of 1,000 square metres and a maximum building height as shown on Map 4 of the Regional Centre SMPS.</li> </ul>		
6	40612376	Smithers Marine Services Limited	Comprehensive Development District 2 (CDD-2)		Water Access (WA)	
7	41127036	Halifax Regional Municipality	Comprehensive Development District 2 (CDD-2)		Water Access (WA)	
8	00097550	Build Nova Scotia	Comprehensive Development District 2 (CDD-2)		Water Access (WA)	
9	00114132	4197847 Nova Scotia Limited	Park and Community Facility (PCF)	<ul style="list-style-type: none"> <li>● Commercial Uses, <u>limited to</u> a cruise ship terminal use;</li> <li>● Urban Agriculture Uses;</li> <li>● Institutional Uses, <u>except</u> for convention centre, emergency services, hospital, medical clinic, religious public institution, shelter, and university/collage use;</li> <li>● Parks and Community Facilities Uses;</li> <li>● Water Access Uses;</li> <li>● Other uses such as accessory structure, historic site or monument, parking structure, temporary use, transportation facility, and utility use.</li> </ul>	Water Access (WA)	<ul style="list-style-type: none"> <li>● boating club use;</li> <li>● conservation use;</li> <li>● park use;</li> <li>● water access structure use;</li> <li>● historic site or monument use;</li> <li>● temporary construction use;</li> <li>● transportation facility use; and</li> <li>● utility use.</li> </ul>