

# HALIFAX

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**DECLASSIFIED**

FOIPOP Review: [REDACTED]

Approved to Release: [REDACTED]

Date: April 23, 2024

**Item No. 17.1**

**Halifax Regional Council  
April 23, 2024  
In Camera**

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

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Cathie O'Toole, Chief Administrative Officer

**DATE:** March 6, 2024

**SUBJECT:** **IN CAMERA - Property Matter - Sheet Harbour Marina, 430 Riverside Drive,  
Sheet Harbour**

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**PRIVATE AND CONFIDENTIAL**

## **ORIGIN**

January 9, 2024, IN CAMERA Regional Council motion (Item No. 17.4):

MOVED by Councillor Hendsbee, seconded by Councillor Deagle Gammon

THAT Halifax Regional Council request a staff report considering providing a letter indicating HRM has no municipal interest in use of land PID 40221053 – Parcel 96-1, and use of it would be granted to the Sheet Harbour Marina Association.

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

## **LEGISLATIVE AUTHORITY**

The *Halifax Regional Municipality Charter*, S.N.S. 2008, c.39, subsections 61(3) and 19(2)(e):

Powers of Municipality regarding property

- 61 (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

Open meetings and exceptions

- 19 (2) The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to [...] (e) contract negotiations;

**Recommendation on page 2**

### **RECOMMENDATION:**

It is recommended that Halifax Regional Council:

1. Direct staff to provide a letter of consent to the Sheet Harbour Marina Association (SHMA) in support of their application to the Nova Scotia Department of Natural Resources and Renewables (DNRR) to lease the submerged area shown in Attachments 1 and 2, to which HRM owned PID #00585455 may be an adjacent upland property, to allow replacement and expansion of the existing dock at 430 Riverside Drive, Sheet Harbour; and
2. Not release this report.

### **BACKGROUND**

On January 9, 2024, Regional Council directed staff to consider a request for a letter of consent by the Sheet Harbour Marina Association (SHMA). The SHMA is preparing an application to the Nova Scotia Department of Natural Resources and Renewables (DNRR) to enter into a water lot lease,<sup>1</sup> allowing for the installation of floating docks on submerged lands in Sheet Harbour.

In accordance with the DNRR's Coastal Lands Policy<sup>2</sup>, applicants requesting a permit for placement of new infrastructure over submerged Crown lands, require consent from all adjacent upland owners. In this case, there are two upland owners, HRM as the owner of PID #00585455, and [REDACTED]. The SHMA is seeking a letter from HRM consenting to their lease of the submerged Crown lands.

"Adjacent upland property", as defined in the Coastal Lands Policy, does not expressly include upland property separated from the relevant body of water by a road. Accordingly, it is not certain that HRM's consent is required, since there is a public road (Church Point Rd.) between HRM's PID #00585455 and the subject submerged area. However, this uncertainty does not prevent HRM from granting SHMA's request for consent, which will not require HRM to take a position on this uncertainty.

Attachment 1 identifies the approximate submerged area that the SHMA is seeking to lease from DNRR. As part of the application, SHMA is also proposing to replace and expand their existing dock. As proposed, the expanded dock will accommodate approximately 32 boats and will be accessed from their property at 430 Riverside Drive (PID 40221053). Attachment 2 provides a sketch, from the SHMA, of the proposed dock location. The proposed dock will be located approximately 29 meters (95 feet) from the shoreline.

### **DISCUSSION**

In reviewing the SHMA's request for a letter of consent, HRM must first identify if the proposed lease area, including the submerged area where SHMA's dock expansion is proposed, conflicts with HRM's current or planned use of the adjacent HRM-owned property. The HRM-owned parcel is the location of Marine Drive Academy Park. The park consists of play features, two recreational soccer fields and undisturbed areas with mature vegetation. The park shares driveway access and property boundaries with another HRM owned property (PID #00585448), which serves as the location of Marine Drive Academy, a Pre-primary to Grade 12 school operated by the Halifax Regional Center for Education (HRCE).

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<sup>1</sup> A water lot lease is a rental arrangement between the applicant and the Crown. Although "water lot" is referenced in the term "water lot lease", the SHMA request is not for the establishment or use of a water lot. Water lots (which are fairly rare) are fully granted/deeded lots within the submerged that can be privately owned. Submerged lands are any lands under water, and usually any permissions given in relation to them are via lease, licence or a letter of authority.

<sup>2</sup> [NRR Coastal Lands Policy](#), Department of Natural Resources and Renewables Policies and Procedures Manual, DNRR 2021-1.

HRM Parks and Recreation (P&R) serve as the stewards for Marine Drive Academy Park. Corporate Real Estate Staff have consulted with P&R staff regarding the proposed leased area and dock expansion. Following review, P&R staff have identified no issues with SHMA's application and or its approval, noting it has no impact on municipal parkland.

SHMA's proposal to lease submerged crown lands and to replace their existing dock has no impact on HRM owned parcel PID #00585455. As such, staff recommend that Regional Council direct staff to provide a letter of consent to the SHMA as requested.

### **FINANCIAL IMPLICATIONS**

No financial implications at this time.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

No community engagement was required.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

### **ALTERNATIVES**

Regional Council could choose to:

1. Not direct staff to provide a letter of consent to the Sheet Harbour Marina Association (SHMA), in support of their application to the Nova Scotia Department of Natural Resources and Renewables (DNRR).
2. Direct staff, to provide a letter of consent to the Sheet Harbour Marina Association (SHMA), in support of their application to the Nova Scotia Department of Natural Resources and Renewables (DNRR), subject to specific conditions to be identified by HRM.

### **ATTACHMENTS**

Attachment 1 - Subject Area of Proposed Water Lot Lease

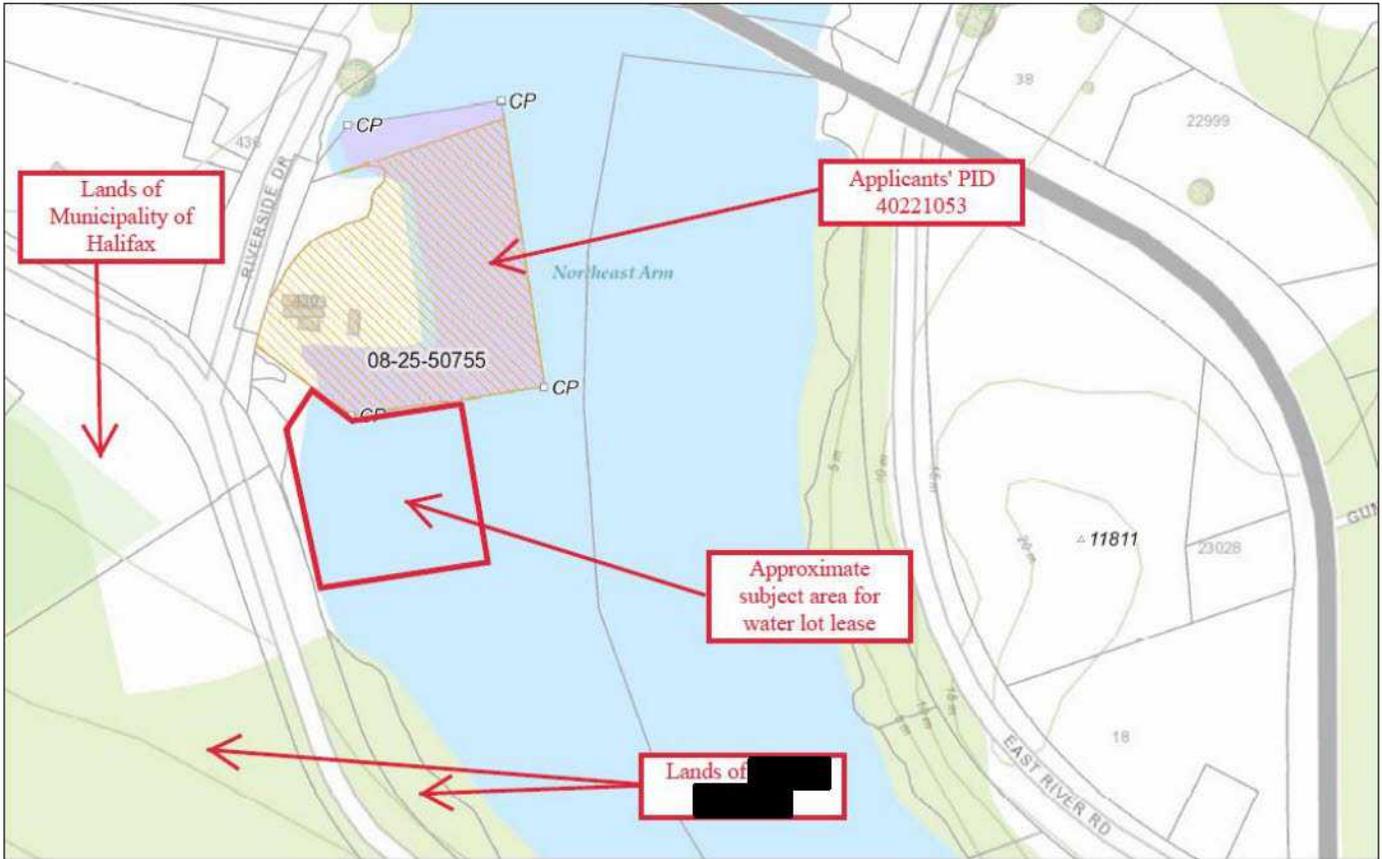
Attachment 2 - Applicant Sketch of Proposed Dock

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If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tyson Simms, Senior Real Estate Officer, Corporate Real Estate, Property, Fleet & Environment, 902.223.3751

**Attachment 1**  
**Subject Area of Proposed Water Lot Lease**



**Attachment 2**  
**Applicant Sketch of Proposed Dock**

