



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 15.1.4
Halifax Regional Council
August 6, 2024

TO: Mayor Savage and Members of Halifax Regional Council

FROM: John Traves, K.C, Acting Chief Administrative Officer

DATE: July 19, 2024

SUBJECT: **PLPROJ-2024-01075: Initiation for MPS amendments to restrict water lot development and infilling in Dartmouth Cove**

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 in filling 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 by-law.
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

RECOMMENDATIONS ON PAGE 2

EXECUTIVE SUMMARY

Issues related to the infill of water lots along Dartmouth Cove have been the subject of continued interest by both Council and the public. While the authority over the infilling of water lots in Halifax Harbour typically falls under the jurisdiction of the Federal Government through Transport Canada and the Department of Fisheries and Oceans Canada (DFO), the Minister of Transport has publicly acknowledged the Department's willingness to cooperate with the Municipality on regulation over infilling in Dartmouth Cove.

This report recommends initiating a process to consider amendments to the Regional Municipal Planning Strategy (Regional Plan), the Regional Centre Secondary Municipal Planning Strategy (SMPS), and the Regional Centre Land Use By-law (LUB) to restrict water lot development and infilling in Dartmouth Cove. The report also recommends following Administrative Order 2023-002-ADM, the *Public Participation Administrative Order*. Staff recommend considering two types of restrictions as part of this planning project: (1) restrictions similar to those passed in Halifax Mainland and Peninsula Land Use By-laws in 2007 to regulate any infilled portion of a water lot; and (2) restrictions similar to those passed in 2024 in the Regional Centre and Halifax Mainland Land Use By-laws to prohibit infilling. Staff will also consider impacts on the Downtown Dartmouth Waterfront Revitalization Project and pyritic slate disposal as part of this planning project.

The HRM costs associated with this planning project can be accommodated within the approved 2024-2025 operating budget for Planning and Development, including land surveyor costs needed to delineate the existing shoreline.

RECOMMENDATION

It is recommended 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*.

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 4.52 hectares. A water lot, under the Regional Centre Land Use By-law (LUB), 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.

Authority over the infilling of water lots in Halifax Harbour falls under the jurisdiction of the Federal Government through Transport Canada and the Department of Fisheries and Oceans Canada (DFO). The mandate of Transport Canada, as set out in the *Canadian Navigable Waters Act* (CNWA), is to ensure that infilling does not significantly impede navigation. Formal approval to infill under the CNWA is only required if infilling will cause problems with navigation. The mandate of DFO, under the Fish and Fish Habitat Protection Program, is to review any project for potential impact on fish and fish habitat. The *Fisheries Act* provides mechanisms that allow infilling to occur while protecting fish and fish habitat. 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 Minister of Transport acknowledged an intention to collaborate with the Municipality on the regulation over infilling in Halifax Harbour. This intention may include a willingness to recognize or otherwise permit a limited jurisdiction for the Municipality over infilling in the wider Harbour, beyond just the Northwest Arm.

Subject Site	PID's 41164278, 00381228, 40612384, 40612376, 41127036, 00097550, 00114132, 41374018, and 40612996
Location (Map 1)	The subject water lots are located within Dartmouth Cove.
Regional Plan Designation	Halifax Harbour
SMPS Designation (Map 2)	N/A
Zoning (Map 3)	N/A
Size of Site	4.52 hectares
Street Frontage	N/A
Current Land Use(s)	Navigable waters
Surrounding Use(s)	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 identified on Map 1.

Lot Number	PID	Ownership	Lot Area (m²)
1	00381228	Private	3877.27
2	41164278	Private	5381.01
3	00114132	Private	25314.68
4	40612384	Private	1930.36
5	41127036	HRM	1496.93
6	40612376	Private	1331.80
7	41374018	Private	1228.80
8	40612996	Private	176.37
9	00097550	Build Nova Scotia	4519.43

Total Lot Area (m²)	45256.66
Total Lot Area (ha)	4.52

MPS and LUB Context

Regional Plan

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.”

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.”

In accordance with Policy G-14A of the Regional Plan, the proposed planning process will consider the objectives, policies, and actions of the Priority Plans, including the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and the Halifax’s Inclusive Economic Strategy 2022-2027.

Regional Centre SMPS and LUB

The Regional Centre Secondary Municipal Planning Strategy (SMPS) and the Regional Centre LUB designate and zone certain water lots in the Regional Centre as Water Access. The Regional Centre SMPS states the following about the Water Access Designation:

“The Water Access Designation is intended to protect the unique character and environment of waterfront neighbourhoods. The Designation is applied to water lots located in the Northwest Arm of Halifax Harbour, Lake Banook and Lake Mic Mac. On Lake Banook and Lake Mic Mac, 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.”

Policy W-1 of the Regional Centre SMPS states the following about the Water Access (WA) Zone:

The Land Use By-law shall establish the Water Access (WA) Zone and apply it over all water lots located within the Water Access Designation. The WA Zone shall limit permitted uses to parks, water access structures, public infrastructure, and accessory uses.

The water lots in Dartmouth Cove are neither designated, nor zoned Water Access.

Clauses 31(f) and (g) of the Regional Centre LUB deal with the interpretation of boundaries, including zoning boundaries, where there is a change to a shoreline:

31 *The location of a zone, special area, sub-area, heritage conservation district, height precinct, or FAR precinct boundary shown on a schedule of this By-law is determined as follows:*

(f) *Subject to Clause 31(g), where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary*

shall follow the new ordinary high water mark;

- (g) *In any WA zone, where a zone, special area, sub-area, height precinct, or FAR precinct boundary follows a shoreline and where infill occurs, the boundary shall remain unchanged and as shown on the schedule;*

Therefore, if infilling activity occurs in Dartmouth Cove, the newly created land would take on the abutting zone and would be eligible for all the permitted development allowed under such zone. The abutting zones around Dartmouth Cove are the Downtown Dartmouth (DD), the Comprehensive Development District 2 (CDD-2), and the Park and Community Facility (PCF) 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.

Northwest Arm Water Lots

As requested by Regional Council, this report considers initiating a planning process to consider restrictions on water lots in Dartmouth Cove that are similar to those that already exist for the Northwest Arm. Some of these restrictions were first adopted in 2007 and fall completely under municipal jurisdiction (development of water lots once infilled), while others were adopted in 2024 and require the cooperation of the Federal Government (restricting the act of infilling).

2007 Amendments to the Halifax MPS and the Halifax Peninsula and Mainland LUB's

In 2007, Council adopted land uses regulations that control the development of water lots along the Northwest Arm once infilled. More specifically, these amendments designate and zone water lots as Water Access, which limits the development of land created by infilling to wharves, docks historic sites and monuments, passive recreation uses, public works and utilities, and ferry terminal facilities.

2024 Amendments to the Regional Centre SMPS, the Halifax MPS, the Regional Centre LUB, and the Halifax Mainland LUB

In 2024, Council adopted amendments to the Regional Centre SMPS, the Halifax MPS, the Regional Centre LUB, and the Halifax Mainland LUB to prohibit most water lot infilling activities in the Northwest Arm, subject to Ministerial incorporation in the federal permitting process. More specifically, only water lot infilling activities to enable the following is allowed:

- (a) public infrastructure;
- (b) utility use;
- (c) publicly owned or operated ferry terminals;
- (d) parks on public land;
- (e) municipal, provincial, and national historic sites and monuments; and
- (f) retaining walls

Similar to the Northwest Arm, any water lot infilling activities in Dartmouth Cove permitted by the Minister could be conditional on following any municipal regulation and obtaining a development permit from the Municipality before being allowed to proceed by the Municipality, notwithstanding federal permitting.

DISCUSSION

The Regional Plan and the Regional Centre SMPS are strategic policy documents that set out the goals, objectives, and direction for long term growth and development in the Municipality. Amendments to the Regional Plan and a SMPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should only be considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the Regional Plan and the SMPS were adopted, or last reviewed.

In this case, staff recommend initiating the Regional Plan and the SMPS amendment processes to consider water lot controls in Dartmouth Cove similar to those in place for the Northwest Arm given the unique environmental and development implications to the area. As the Minister of Transport has recently publicly acknowledged an intention to collaborate with the Municipality on regulation of infill on other parts of Halifax Harbour, these amendments can consider controls on infilling activities, in addition to updating regulations on the use and development of water lots once infilled. The following discusses the statutory context, and several key items for more detailed review.

Statutory Support for the Prohibition of Water Lot Infilling

Section 235 of the *HRM Charter* deals with the content of a land use by-law. More specifically, Clause 235(5)(g) of the *HRM Charter* states the following:

235(5) Where a municipal planning strategy so provides, a land-use by-law may

- (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;*

Furthermore, Clause 209(c) of the *HRM Charter* provides the following definition:

209 In this Part and Part IX, unless the context otherwise requires

- (c) “development” includes the erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;*

Based on the above *HRM Charter* clauses, the common understanding of what constitutes a water lot, and the jurisdictional boundaries of the Halifax Regional Municipality, staff proposes that the following are either factual or reasonable interpretations of existing legislation:

1. A water lot is considered land fully or partly submerged under water.
2. The water lots located along Dartmouth Cove are fully contained within the boundaries of the Halifax Regional Municipality and fall under the jurisdiction of the Regional Centre SMPS.
3. Clause 235(5)(g) of the *HRM Charter* allows the Municipality to regulate or prohibit the infilling of water lots that are included within its boundaries, if the higher level of government that has recognized jurisdiction over such infills (the Province of Nova Scotia for water lots on freshwater bodies and the Federal Government for water lots along the ocean) agrees to make approvals conditional on being compliant with municipal land use regulations.
4. The mere activity of infilling a water lot can be considered a change of use, from a navigable waterway to something else.

Environmental Impacts of Infilling

There are several potential environmental impacts related to the infilling of water lots, these include:

- the destruction of coastal ecosystems;

- changes in coastal dynamics;
- the increased risk of coastal erosion;
- the destruction of fish and fish habitats;
- increased sedimentation; and
- other negative impacts on water quality.

Downtown Dartmouth Waterfront Revitalization Project

On March 5, 2024, Halifax Regional Council endorsed the Downtown Dartmouth Waterfront Revitalization (DDWR) Project in support of improving access, connectivity, cultural activity, and future development opportunities along the Dartmouth Waterfront. The Project is comprised of the development of a Conceptual Development Plan that includes the creation of a concept Open Space Plan and the examination of emergency access options (including grade separated crossings) for supporting the Downtown Dartmouth Waterfront and its key interest groups. Given this context, the review of potential new restrictions on water lot development and infilling in Dartmouth Cove will consider impacts on the Downtown Dartmouth Waterfront Revitalization Project.

Surrounding Context

The Dartmouth Cove water lots abut the Dartmouth Cove Future Growth Node and a wide range of land uses. Future Growth Nodes are areas within the Regional Centre envisioned for significant growth. Through the DDWR Project, various groups have expressed interest in expanding existing operations or establishing new development along the waterfront. It is generally known that the rail line running parallel to the waterfront limits development opportunities on the water side of the rail line. Improvements in access across the rail line is a critical consideration of the ongoing DDWR Project to support future development and growth in the general area. Water lot controls can have an impact on growth in the surrounding area. The planning process will consider the impacts of establishing water lot controls on existing and future development in the surrounding area.

Council has adopted By-law D-600 Respecting Development Charges for Dartmouth Cove, which seeks to recover \$5,500,000 from development within the Dartmouth Cove Future Growth Node in respect of the extension of Dundas Street. None of this revenue is dependent upon, or relies upon, infilling occurring in Dartmouth Cove.

Pyritic Slate Disposal

Sulfide bearing materials (SBM), commonly known as pyritic slate, is a geological formation that can generate acidic runoff when excavated and exposed to air. Pyritic slate is common throughout HRM and must be disposed of when development occurs. Current common practice is to submerge it in salt water as part of infill projects, which neutralizes its acidic effects.

In May 2022, Council directed the CAO to “provide a staff report on what the HRM, the Port of Halifax and other relevant stakeholders should undertake to situate pyritic slate disposal sites.” As a first step, HRM engaged Stantec Consulting to prepare a report on issues and options for SBM disposal. The report entitled *Sulphide-bearing material management issues and alternatives* was completed in March 2023 and provides a general overview of disposal issues, regulations, results of stakeholder consultation, and outlines eight options for SBM management to guide HRM in future policy planning or engagement processes. The Stantec Report does not rank the options for SBM infill and disposal, nor does it provide a detailed cost benefit analysis of each option. Staff anticipate returning to Council with a recommendation report on next steps for this work in early 2025.

Halifax Port Authority

Staff have contacted the Halifax Port Authority (HPA) concerning Dartmouth Cove and have received the HPA’s infill policy (Attachment 1) as a response to any comments concerning water lot infilling.

Department of Municipal Affairs and Housing

Any new municipal planning strategy or any amendment to an existing municipal planning strategy adopted

by Council requires a review by the Provincial Director of Planning. If the Provincial Director of planning identifies potential conflicts with provincial interests, *the Statements of Provincial Interests*, or other laws, the review and approval from the Minister of Municipal Affairs and Housing may be required. It is unclear if the Provincial Director of Planning or the Minister of Municipal Affairs and Housing will be willing to approve amendments to planning documents that impact infilling activities in the working harbour. As requested by Council in April 2024, the CAO recently sent a letter to Minister of Municipal Affairs and Housing asking what the Department's position would be if Council were to adopt amendments to prevent infilling in the working harbour. As of the date of this report, the CAO is still awaiting a response from the Minister.

Conclusion

Staff have reviewed water lots in Dartmouth Cove and surrounding land uses and advise that there is merit in considering additional controls on the infilling and development of water lots similar to those adopted for the Northwest Arm. Provided senior levels of government agree to recognize or otherwise permit a limited jurisdiction for the Municipality over infilling in Dartmouth Cove, then the Municipality can enact restrictions over such infilling activity. Staff will consult with other levels of government and consider impacts on existing and planned projects that could be affected by new restrictions. Therefore, staff recommend that Regional Council initiate the process to amend the Regional Plan, the Regional Centre SMPS, and the Regional Centre LUB.

FINANCIAL IMPLICATIONS

The HRM costs associated with this planning project can be accommodated within the approved 2024-2025 operating budget for Planning and Development. To support effective regulations, staff will secure the services of a land surveyor to delineate the existing shoreline, similar in detail to the mapping that exists for the Northwest Arm. The funds for the unanticipated surveying work can be accommodated within the consulting budget for the Planned Growth Section of the Strategic Projects Division.

RISK CONSIDERATION

There are some risks associated with the recommendations contained within this report. This project involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board. However, there are risks associated with advancing this project without the explicit support of the Department of Municipal Affairs and Housing, which may result in resources allocated to preparing amendments to planning documents that are not ultimately adopted.

In addition, as this project work was not anticipated, moving forward with this project at this time may impact the timeline for other high-priority projects in the Strategic Projects Division. The Strategic Projects Division is currently responsible for undertaking comprehensive planning for several large-scale developments with substantial housing components. In order to mitigate the risk, the timeline for reporting back to Council for First Reading will be carefully reviewed by staff to ensure minimal impact on other high-priority projects.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In June of 2023, Regional Council approved the *Public Participation Administrative Order (2023-002-ADM)*, which staff are proposing to follow. Engagement will be performed through the HRM website and through letters mailed out to property owners within the notification area shown on Map 1, including to the owners of the water lots. Staff will also be available via telephone, email, and small group discussions with members of the community who have concerns or questions about the proposed amendments. The community will have further opportunity to provide

feedback at the required public hearing. Amendments to the Regional Plan, the Regional Centre SMPS, and the Regional Centre LUB will potentially impact the following groups: residents, property owners, and businesses.

ENVIRONMENTAL IMPLICATIONS

There are several potential environmental impacts related to the infilling of water lots. These are laid out in the Discussion section of the report.

ALTERNATIVES

1. Regional Council could choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council could choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Regional Municipal Planning Strategy and the Regional Centre Secondary Municipal Planning Strategy is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

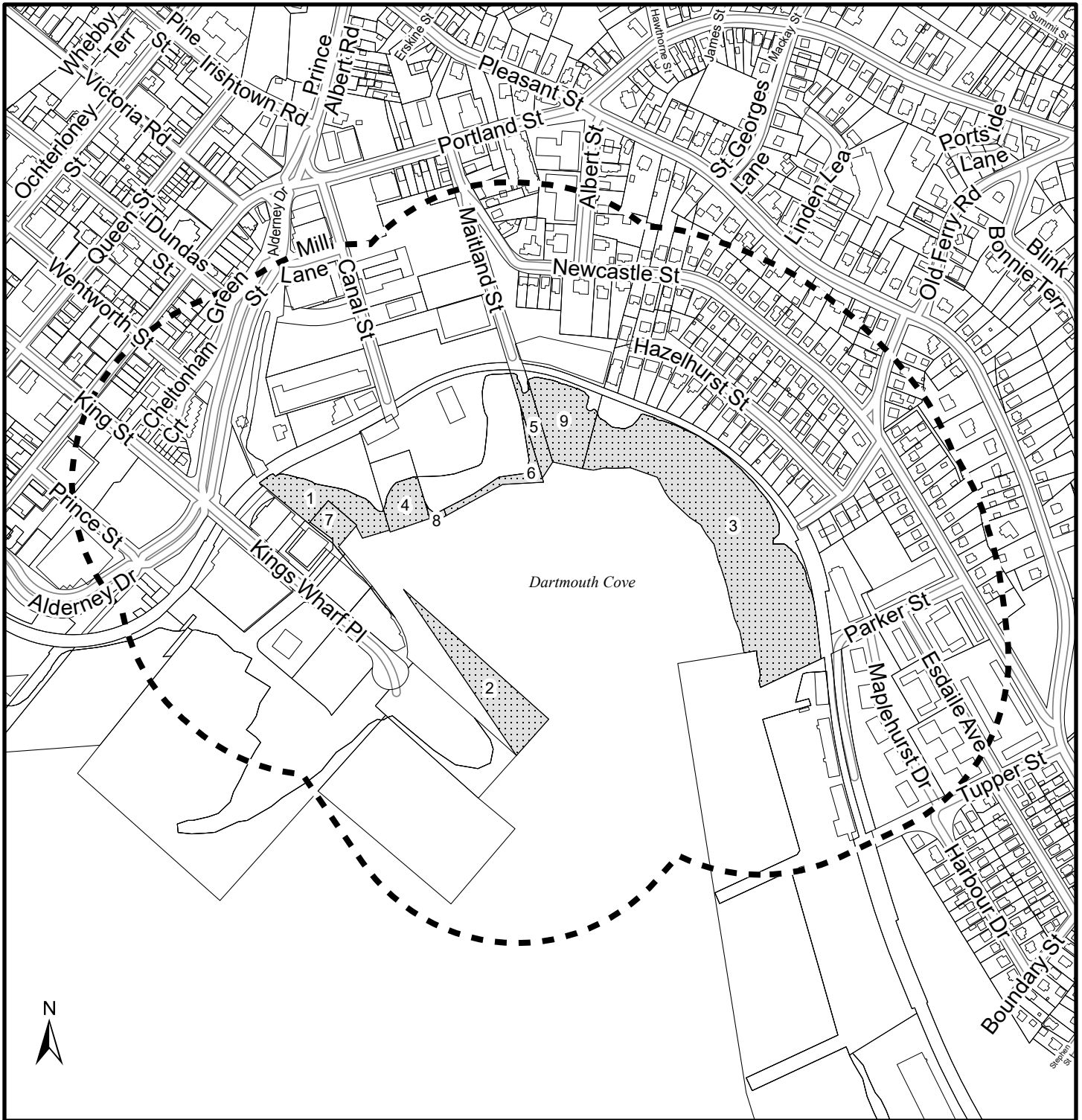
LEGISLATIVE AUTHORITY

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 1:	Halifax Port Authority Infill Policy


Report Prepared by: Luc Ouellet, Principal Planner, Planning & Development, 902.717.4357
Rhys Burnell, Planner II, Planning & Development, 902.233.0561




Map 1 - Location and Notification Area

Dartmouth Cove,
Dartmouth

HALIFAX

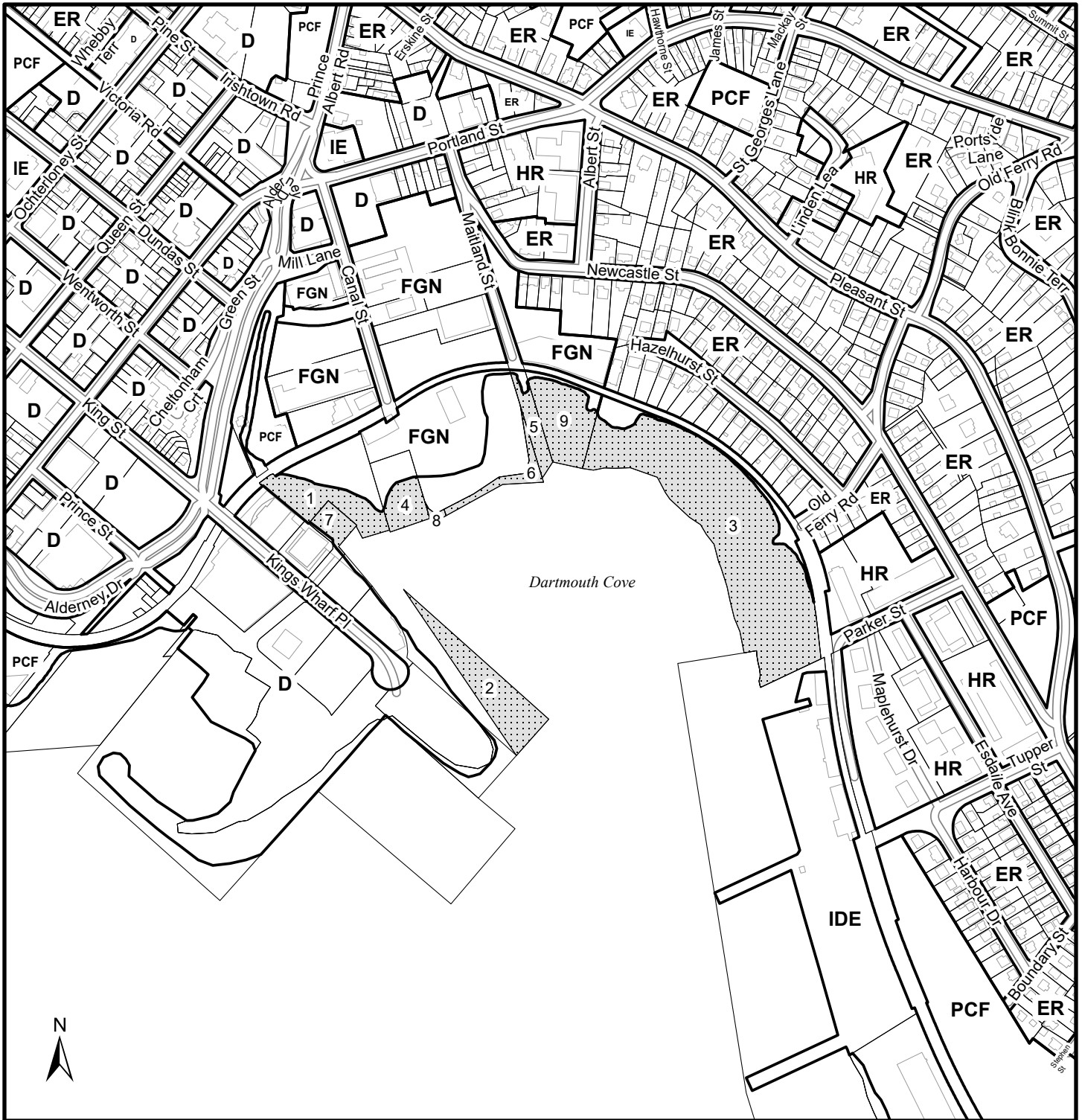
 Subject Properties

 Area of Notification



Regional Centre
Land Use By-Law

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



Map 2 - Generalized Future Land Use

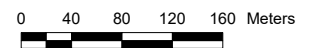
Dartmouth Cove,
Dartmouth

HALIFAX

 Subject Properties

Designation

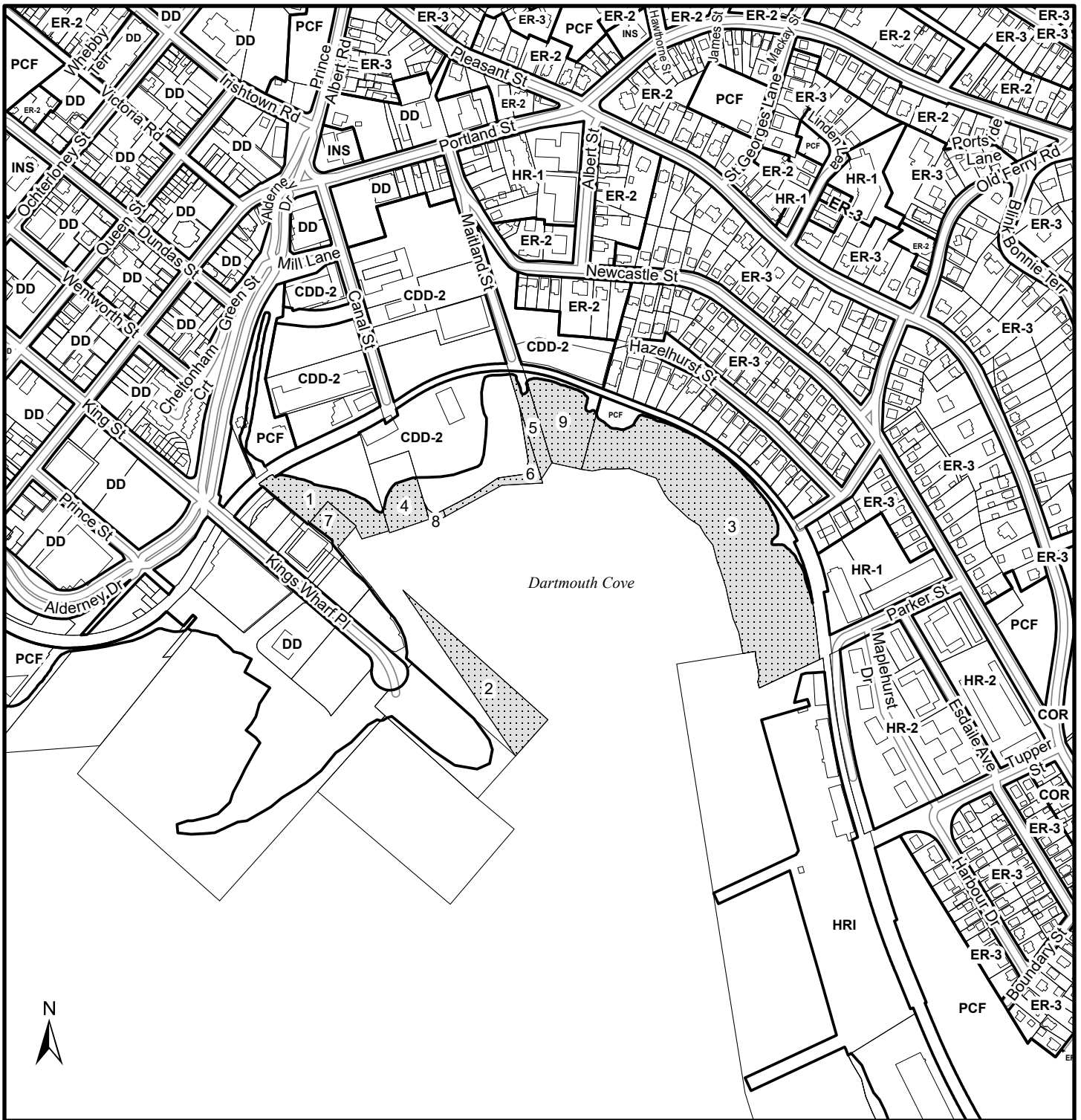
- D Downtown
- ER Established Residential
- FGN Future Growth Node
- HR Higher-Order Residential
- IDE Industrial Employment
- IE Institutional Employment
- PCF Park and Community Facility



Regional Centre
Plan Area


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

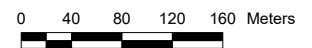
 Subject Properties

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
- 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.

ATTACHMENT 1: HALIFAX PORT AUTHORITY INFILL POLICY

	Halifax Port Authority	Real Estate Policy	Policy Number RED – 400-02
INFILL POLICY Halifax Port Authority Managed Waterlots			
Approval Board of Directors	Originating Department Real Estate	Original Date March 4, 2021	

Policy Purpose:

The Halifax Port Authority (HPA) receives requests to lease HPA managed waterlots, which are included in HPA's letters patent and supplemental letters patent, for the purpose of infilling to create land.

Canada Marine Act and letter patent states - Leases and licences - A port authority may, for the purpose of operating the port, lease or license any federal real property or federal immovable that it manages, subject to the limits in the port authority's letters patent on its authority to contract as agent for Her Majesty in right of Canada.

This policy provides clarification to the requirements and limitations under HPA's letters patent in relation to requests received by HPA for the purpose of infilling HPA managed waterlots.

Scope:

HPA managed waterlots are located "Northwesterly of the Halifax Harbour Limits, said Halifax Harbour limits including Northwest Arm and Bedford Basin".

Policy:

A request to infill a HPA managed waterlot used for a commercial/industrial, residential, retail, or recreational purpose shall not be considered for approval.

Requests to lease and infill the waterlot adjacent to upland that has a specific marine industrial requirement, including industry related to transportation and manufacturing of goods, will be considered if the waterlot is for the same marine industrial purpose as the adjacent upland.

Infilling shall be carried out in the strict accordance with all applicable Federal, Provincial, and Municipal Acts, Regulations, guidelines and by laws, and permits. The lessee shall be responsible for all applications and processes including, but not limited to, obtaining all necessary permits, consultations and authorizations associated with these requirements at their sole cost.

HPA will consider requests that are in the interest of maintaining/repairing the shoreline, breakwaters and retaining walls located in our HPA managed waterlots and these requests shall be subject to all processes and approval.