



# Nova Scotia Coastal Property Owners Consultation Results

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## 1 Background and Approach

The Department of Environment and Climate Change (ECC) contracted Group ATN Consulting Inc. to undertake a targeted consultation with residential, commercial, and institutional coastal property owners in Fall 2023. The consultation targeted all coastal property owners, both those who live in Nova Scotia and those who live most of the year outside of the province. This was the first consultation to specifically target people who own property that directly touches the ocean in Nova Scotia.

The consultation took place from September 29 to November 8, 2023. Communications Nova Scotia communicated the consultation through paid digital and print advertising, a news release (media coverage), social media, and via direct mail, which was mailed to coastal property owners. A total of 1,500 individuals participated in the consultation<sup>1</sup>. Of those, 1,072 said they own coastal property in Nova Scotia. The consultation participation rate among coastal property owners was 2.68%.

### ***Of the 1,072 coastal property owners who participated in the consultation:***

- 878 said their permanent residence is in Nova Scotia (where they live for most of the year)
- 118 reside in other Canadian provinces
- 55 reside in the United States
- 21 reside in other countries
- The Halifax region had the highest participation, with 403 of the participants residing in the Halifax region and 342 reporting that their coastal property is located in the Halifax region
- The lowest participation was recorded in the Fundy Shore region, with 106 participants having their coastal property in that region and 93 permanently residing in the region
- At the county level, participation was lowest in Inverness County:
  - 1 participant lives in Inverness County
  - 5 participants have coastal property in Inverness County
  - There were no participants from Guysborough and Shelburne Counties – both in terms of coastal property owners and/or residents

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<sup>1</sup> 18 responses were considered invalid and were excluded from the analysis. Reasons for exclusion included incomplete responses and other data quality issues.

## 2 What We Heard

The findings in this section represent the views of the 1,072 coastal property owners who participated in the consultation. These are the results from a point-in-time targeted consultation and should not be interpreted as representing the views of all coastal property owners in Nova Scotia.

***Coastal property owners were asked if new rules are needed to protect new buildings or new renovations from coastal erosion, coastal flooding and rising sea levels.***

***Of the 1,072 coastal property owners who participated in this consultation<sup>2</sup>:***

- 629 think Nova Scotia needs rules to help keep new buildings and big renovations safe from climate change impacts, while 236 oppose such rules, and 198 are uncertain
- 560<sup>3</sup> of those who have already built on their coastal land think Nova Scotia needs new rules
- 140 of those who have not built on their land think Nova Scotia needs new rules
- Participants with coastal properties located in the Southwestern Shore (125 participants) and Halifax (220 participants) regions are most in favour of new rules
- Those whose property is located in the Cape Breton region are the least supportive (90 participants) of new rules
- Those with permanent residency<sup>4</sup> in the Halifax (252 participants) and Southwestern Nova Scotia (80 participants) regions are the most in favour of new rules
- Those with permanent residency in the Cape Breton (60 participants) region are the least supportive of new rules

***Participants were then asked who should decide the new rules.***

***Of the 1,072 coastal property owners who participated in the consultation<sup>5</sup>:***

- 686 think the provincial/municipal governments should decide
- 418 think property owners should decide
- 280 suggest a collaborative approach involving multiple stakeholders, such as municipal/provincial governments, insurance, and property owners
- 597 of those with land that is already developed think the provincial/municipal governments should be responsible for creating the new rules
- 176 of those with land that is not yet developed think the provincial /municipal governments should determine these new rules
- Those whose coastal property is located in Southwestern Nova Scotia (135 participants) are most likely to think that the provincial /municipal governments should develop new rules

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<sup>2</sup> 7 answers were categorized as miscellaneous, and 2 responded "I don't know."

<sup>3</sup> The question used for the developed vs. undeveloped property breakdown allows multiple mentions. While there are 1,072 coastal property owners, there are 1,230 coastal properties as a result of some participants owning more than one coastal property. Of the 1,230 coastal properties, 917 are developed, and 313 are undeveloped.

<sup>4</sup> Comparisons based on permanent residency in this report are focused on coastal property owners who permanently reside in Nova Scotia (n=878).

<sup>5</sup> This question allows multiple mentions.

- Those whose coastal property is located in Cape Breton (94 participants) are the least likely to think the provincial/municipal governments should develop new rules
- Those with permanent residency in the Halifax region are most likely (268 participants) to think the provincial municipal governments should develop new rules
- Those with permanent residency in Cape Breton are the least likely (61 participants) to think provincial)/municipal governments should develop the new rules

***Coastal property owners were further asked about how they would feel if there were new coastal protection rules/regulations, telling them where and how they could and could not build on their land by the ocean.***

***Of the 1,072 coastal property owners who participated in the consultation<sup>6</sup>:***

- 722 indicate that they would support new rules about where and how to build on their coastal property if the rules have conditions such as scientific evidence is considered in making the rules or that the rules reflect flexibility in the decision-making process (i.e., not a blanket law)
- 306 do not support new rules about where and how to build on their coastal property
- Looking at property development status, support for these new rules is higher among coastal property owners with developed land (639 participants) than those with vacant land (171 participants)
- 134 coastal property owners who participated in this consultation and have undeveloped land oppose rules, while 239 with developed land would oppose it
- Coastal property owners with property in the Halifax (257 participants) and Southwestern Nova Scotia (138 participants) regions show the highest levels of support for these new rules
- Coastal property owners with property in the Cape Breton (110 participants) region exhibit the lowest level of support for these new rules
- Coastal property owners who permanently reside in the Halifax region (291 participants) show the highest support for these new rules

***Consultation participants were asked if zoning is needed to keep people, homes and natural areas along the coast safe from coastal erosion, coastal flooding and rising sea levels.***

***Note: The Coastal Protection Act proposed creating such a zone – above the ordinary high-water mark -- which would have been regulated by municipal building and development permits. In addition, that Act proposed relying on existing regulations under the Beaches Act, the Crown Lands Act, to help regulate building/major renovations in such a zone.***

***Of the 1,072 coastal property owners who participated in this consultation:***

- 590 think Nova Scotia needs such zoning
- 209 oppose this approach
- A third category of participants either emphasize the need to have site-specific assessments (105 participants) or focus the zoning on natural areas (50 participants), in which case, they would support it

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<sup>6</sup> 34 answers were categorized as miscellaneous, and 10 responded "I don't know" or didn't give an answer.

- 526 of coastal property owners who have developed land support zoning, while 160 of this group oppose it
- 133 of those who have undeveloped land support coastal protection zoning, and 96 oppose it
- Coastal property owners whose property is in the Halifax (204 participants) and Fundy Shore (63 participants) regions are the most supportive of this zoning approach
- Coastal property owners whose property is in Cape Breton (83 participants) have the lowest level of support for this zoning approach
- Coastal property owners with permanent residency in the Halifax region (251 participants) have the highest level of support for a zoning approach
- Those residing in Cape Breton (54 participants) and Northumberland Shore (61 participants) regions are the least supportive of the zoning approach

***When asked about the approach to zoning and what can and cannot be done inside such a zone, such as building, renovating, infilling, altering natural areas, ways to protect buildings, and only allowing municipal building permits to be issued to a property owner after an expert (e.g. an engineer) have verified that rules can be followed inside zoned areas.***

***Of the 1,072 coastal property owners who participated in the consultation<sup>7</sup>:***

- 647 agree with this approach
- 346 disagree with this approach
- 68 are undecided
- The level of agreement with such an approach (zoning and building permitted connected to verification that rules to protect homes, buildings and natural areas along the coast can be followed inside zones areas) is higher among coastal property owners with developed land (575 participants) than those with vacant land (145 participants)
- Coastal property owners who have property in the Cape Breton region have the lowest level of agreement (96 participants) with this approach
- Coastal property owners residing in the Halifax (265 participants) region show the highest level of agreement with this approach
- Those in Cape Breton (61 participants) exhibit the lowest level of agreement with this approach

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<sup>7</sup> 3 answers were categorized as miscellaneous, and 8 responded "I don't know."

***Consultation participants were asked who they thought should be responsible for damages to the homes/ other buildings on their property, or to the natural areas near their property, if they have access to tools and information to know the risks of coastal erosion, coastal flooding and rising sea levels, and still chooses to build in a high-risk area.***

***Of the 1,072 coastal property owners who participated in this consultation<sup>8</sup>:***

- 787 think they should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 194 think that insurance companies should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 40 said they don't know who should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 22 think the Nova Scotia provincial government should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 9 think the Federal government should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 8 think municipal governments should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area
- 704 think they should be responsible for paying to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk
- 115 said they don't know who should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk
- 99 think insurance companies should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk
- 66 think the Nova Scotia provincial government should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk
- 27 think the Federal government should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk
- 17 think municipal governments should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk

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<sup>8</sup> 12 participants responded "other" for who should be responsible for damages caused to homes and other buildings if they ignore the risks associated with building in a high-risk area.

44 participants responded "other" for who should pay to fix damages to natural areas directly caused by where the house, cottage/or other building was built while ignoring the risk.

***Coastal property owners were asked what tools and resources would help them learn more about the risks to their property from things like flooding, rising sea levels, storm surge and erosion and help them reduce these risks to their property.***

***Of the 1,072 coastal property owners who participated in this consultation<sup>9</sup>:***

- 743 said maps and interactive tools would help
- 720 said advice from professionals such as architects and engineers would help
- 603 said design standards would help
- 567 said voluntary guidelines would help
- 512 said laws and rules would help
- 507 said advertising, websites, and educational resources would help
- 137 said something else
- 55 said they don't know

***Coastal Property owners were asked who they trust to give them accurate information on the risks to their property from coastal erosion, coastal flooding, and rising sea levels and how to protect the natural areas on their property.***

***Of the 1,072 coastal property owners<sup>10</sup>:***

- 708 said they trust their own research and due diligence when building
- 545 said they trust an engineering company or architect
- 471 said they trust the provincial government
- 386 said they trust municipal building permits and zoning specialists
- 379 said they trust independent organizations or community groups
- 368 said they trust land use planners
- 350 said they trust their local municipal government
- 314 said they trust land surveyors
- 231 said they trust the national government
- 182 said they trust insurance companies
- 180 said they trust contractors
- 39 said they trust the seller of the property
- 34 said they trust real estate agents
- 125 said other sources
- 39 said they don't know

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<sup>9</sup> This question allows multiple mentions.

<sup>10</sup> This question allows multiple mentions.



## Appendix: Themed Examples of Comments Submitted by Consultation Participants

### 1. Meaning of Coastal Protection

"Maintaining the property as required to prevent coastal erosion of the property...it does not include being told where I can or cannot build."

"Managing our coastline to the benefit of all."

"Orderly development of shore front property, being mindful of appropriate residential setbacks, environmental concerns and minimum lot area requirements."

"Sustainable building and protection practices which allow for generational property development in harmony with nature as it stands today and in years to come."

"Hardening infrastructure...NS should focus on securing the electric grid and roads against storm damage."

"Planning ways for people to coexist with our evolving natural environment in a manner that protects/reduces the negative impacts on both."

"it means maintaining the coast so that our property and those of our neighbours remain as natural as possible and suffer the least damage from storms. This means using natural means to protect the shore from erosion and minimizing non natural vegetation near the shore."

"Maintaining natural shorelines that are in line with what would be there if that area hadn't been developed."

"working "wisely" with home owners and builders to protect oceanfront land."

"New ideas on protecting home on the coast."

"Coastal protection means having the common sense to take care of your property on the ocean. Also use voluntary guidelines and educational resources to stay current and informed to protect the property and its surroundings."

"Maintaining wetland areas. Where possible, adding natural barriers to wave action including artificial reefs, boulders to armour the shore, encouraging natural populations of algae or other marine organisms to help break the energy of the waves. Building well back from the shore and above potential sea level rise."

"Each individual landowner has a personal responsibility to protect their property from any oceanic affects such as erosion or flooding using means that are environmentally friendly."

"it means acknowledging that the oceans are rising and storms are more severe, so building near the ocean should be closely regulated."

### 2. The need for new laws or rules

“Yes, as land erodes, if we do not put into place some new laws and rules, then the changes in the environment can lead to loss of property as we saw with Fiona; which impacts us in various ways, such as insurance increases, to the worst case scenario, loss of lives.”

“Yes, however these laws should consider the geology in the area, closeness of structures to the shoreline when looking to direct/restrict certain development. Protection where necessary, as opposed to a blanket approach.”

“No, I do not believe that the government needs to have a hand in this. I believe the insurance companies can regulate it. If you want to build very close to the water and be at risk it should be allowed but at your own risk.”

“ I recommend there should be mandated environmental assessments (similar to house inspection, but mandated by government not mortgage lenders) so that the home owners are aware of the risks. From there, its up to them if they build on it. Therefore, new laws should mandate education for Nova Scotians, but not dictate what they can or cannot do.”

“Depends on the shoreline, mine is solid rock and also protected from the ocean, lies a breakwater out front to stop waves.”

“I don't think Nova Scotia needs laws or rules because all size don't necessarily fit. New builds on the coast should go through a permit process where by building information could be prepared by an engineer.”

“Yes, for new construction but not restrictive for existing property.”

“While I agree that controls on new construction in respect of its proximity to the ocean is a good idea, I do not think owners of existing structures should be restricted in renovations to those structures. There must though, be an acknowledgement by those seeking to renovate that there are risks they are taking on that they must shoulder on their own. Perhaps a waiver provided to the municipality issuing a permit for a renovation would be advisable. In short, while new building construction should controlled, restricting improvements to existing structures would effectively be severely restricting utility and value to owners of these properties.”

“Yes. But exclusion zones may be too simplistic an answer. There are structural alternatives that could be used.”

“Yes there should be regulations in place to protect those who may want to build a home on the coast but who may not be able to think about what may happen in the future to their coastline.”

“Perhaps, but more importantly there should be regulations about the roads that are built and maintained to access the coastal homes. The flooding in July cut off access to Halifax on Hwy 333 for 4 weeks. So planning new homes must include impact on infrastructure such as roads.”

“As long as government and insurance companies are compensating people whose properties are damaged then I believe there must be building standards in place that accounts for the increased probability of major weather events and consequent damage. We recently built and our architect and engineer really did a great job of accounting for severe weather.”

“No - if an individual property owner wants to take the risk associated with coastal building, they should do so. The government should focus on investment in public infrastructure. Roads and electric grid primarily.”

### **3. Who should decide rules about where and how to build on lands by the ocean**

“The rules should be put in place by the Provincial Government and/or the Federal Government but with input from the local landowners and the Municipalities.”

“Regulations should be decided by the province but there should be input from the owners because there may be individual land issues that may arise.”

“Provincial government because there is a need for comprehensive standards and consistent implementation of the regulations. And those regulations must be science-based, not arbitrary and capricious.”

“ The property owners, insurance industry, local governments, the provincial government .”

“The municipal government in consultation with the property owner.”

“The Provincial Government should establish clear rules that apply throughout the province with input from others such as property owners, environmental groups, insurance industry experts, emergency management organizations, and local/municipal governments.”

“The Provincial Government as the coastline should be under one set of regulations.”

“I think it is up to the property owner to work with engineers, insurance and local permitting .”

“Owners of existing buildings should have wide latitude to maintain and improve their properties. Surely the insurance industry will have some control through the risks they are willing or unwilling to underwrite. Muns and Province should be involved in regs for new construction. Must avoid situation where current owners are restricted from maintaining/improving existing structures including seawalls/shield rock arrangements.”

“Local municipality. Nobody knows their own local areas like the municipality. Let the province grant municipalities the jurisdiction and authority to enforce locally. Insurance should take the recommendation of municipality. Insurance should be the LAST to decide.”

“An independent entity made up of representatives from all 3 levels of government. No insurance company involvement.”

“The provincial government should pass the Coastal Protection Act and assume responsibility for protecting our shores.”

“Those responsible for the building permits.”

“Experts in land erosion and environmental protection. As well meaning as governments or property owners may be, there simply isn't the scientific expertise and methodology knowledge to determine best practices. Emotions, biases and outside influences are too impactful on individuals and politicians.”

"Ultimately the Provincial Government should decide, with feedback from all the relevant stakeholders. It is crucial that ideological politics is not a part of the decisions/outcomes."

"It should be a collaborative approach between provincial & municipal governments, in consultation with stakeholders including residents, EMO agencies, major utilities, and the insurance industry."

#### **4. Feelings about new coastal protection rules/regulations on where and how to build**

"Depends on what I was told I could and not do. I would expect financial compensation if my land can not be developed for the purpose it was purchased. Or the land bought back by the province at current market value."

"We built our home 37 years ago and were told where our home could be built in respect to the ocean distance."

"Guidelines are there for protection of homeowners as well as the coastal environment. We appreciate informed guidelines on where to build safely by the ocean."

"This should have been done a decade ago; then we wouldn't be in the mess we are in. Coastal property in Florida is almost uninsurable, won't be long before the same happens here."

"Like all regulations (speed limits, waste management, taxation, etc.) I would abide by those rules and regulations. Citizens can't pick and choose which rules/regulations they want to abide by and disregard those that are inconvenient."

"I would be okay with that if it meant I would not have to worry about flooding, erosion, etc."

"I might not like it, but I would comply without complaint. I firmly believe this type of legislation is necessary."

"I would be frustrated and angry as the pending rules seem arbitrary - being based on distance does not account for variability in shoreline stability, height from the water, wind/tide in the area etc. For example - there is a big difference if you are in a sheltered cove or a windy bluff, if you are on rocky ground or in silty sandy areas."

"I would appose any regulations limiting where and how to build other than compliance with existing building codes."

"I would be supportive of the rules/regulations if common sense based, and meant to protect my property from future foreseeable events."

"I would be very upset. It would limit my use of the land and reduce its resale value."

"I think if the rules were made I would accept them if they were based on good common sense practices."

"This would depend on the restrictions and their rationale. It would also require some financial support if these restrictions led to property devaluation through zoning restrictions."

"I would accept it if I can TRUST the evidence as to how and where I can build. I also believe the government has to consider rules put in retroactively is not fair if it means that the value or options

to build result in a large loss for the landowner. The government should have put a moratorium on land sales UNTIL AFTER the rules/laws were put in place.”

“I would trust that the people making such regulations were acting on science-based information, expertise, and models. I would appreciate access to any reports or other resources they used to draw their conclusions, but I would be glad to have guidelines.”

### **5. Need for the coastal protection zone**

“No. A zone assumes that every coastal property is the same. Our property is situated in a cove and is protected by the surrounding landforms.”

“Yes, as long as the restrictions within this zone are site specific: depending on the geology of the area, height from ordinary high water mark, level of renovation/expansion, etc. Wouldn't want to see it being a black and white restriction zone.”

“I think Nova Scotia needs to identify moderate to high risk areas not necessarily a zone that encompasses the entire province.”

“Yes, we need this zone. People need to be mandated to consider the environmental impact their decision will make.”

“Yes. But more than one zone. It would need to be unique to each coast. Example, the south shore can experience wave heights above 10m while the Northumberland shore cannot. Each zone would need to be defined by its unique characteristics and inherent risk.”

“no. people should be free to do as they please on their property as long as it does not harm their neighbors and/or others”

“It's a complicated situation for everyone, mine is safe due to the breakwater and being in a cove high up on a hill. I think it should be up to the land owners and whether they want to insure their building or not to. Why take our rights away when we pay taxes on the land.....who owns the land?”

“To a point yes, but again each location has its own risks and mitigating factors. Areas with a high bank and rock walls that do not erode easily should have different setbacks than those that are low-lying.”

“I think NS needs this Zone - my question is on the many homes that are already built. Example - if my house (which is over 100 years old) burns down - will I be allowed to rebuild it at the same location.”

“Absolutely. Without it our coast will start to look like the worst examples found in New England. Wall to wall development with extreme loss of a vegetative buffer. That's not the Nova Scotia I want.”

“I suspect that there needs to be some type of zone. But this needs to be identified by people who live in the zone. I am not prepared to live in a zone and have some outsiders tell me what's good for me. I have lived on this property for 60 years and would like to think I have learned something about living safely on the coastal; zone . Maybe new inhabitants need to be mentored.”

## 6. General Comments about coastal protection

"We need fewer regulations not more. With new regulations come more staff, more paperwork and more taxes to pay for it. We live on the water. We work in the water. We know what supports our life and work and that includes being good stewards of our property."

"Financial help should be available for responsible cottage owners who are footing all the costs to protect the provincial beaches, etc."

"It's vital now and we cannot wait to make moves to protect our coast lines."

"I think this is a bigger issue that needs to be looked at with a bigger lens. Can't just focus on the ocean risks of climate change to our homes/properties and safety - need to look overall at building safely where there is wildfire risk too, flooding from rivers and lakes and so on."

"Give the landowners the tools and they will find the optimal locations for their home and other structures."

"This survey suggested that the rules would determine where you can build on a piece of land and hasn't raised the issue of landowners potentially not being able to build at all. That is the issue here, many people own land that someday they are going to be told they can't build on they should be told the risks and with consultation determine the best location and build design for that particular property."

"We need an aggressive longer term climate change strategy. I was so proud that Nova Scotia, PEI, Quebec and BC had their own climate change strategies exempting from the federal backstop. Embarrassed when it was cancelled."

"I feel the government should help those currently impacted and enforce new regulations on those looking to build or buy so we don't end up with the same concerns and payouts for them."

"I will do my best to use my property in such a way as to keep it beautiful, safe and its value intact. I think that is the best protection."

"Goals for this legislation should be to protect people's year round permanent home and need to be based in fact and Engineering. Legislation needs to be relaxed for summer seasonal dwellings"

"Wish the government would implement a plan to help properly owners protect their property or reclaim their property and give financial help by either a tax deduction or grant"