

DPA6 | RIPARIAN

Development Permit Area 6 – Riparian (DPA 6) is designated under Section 919.1(1)(a) of the Local Government Act to guide the protection of the natural environment, its ecosystems and biological diversity. The purpose of **DPA 6** is to protect the natural environment, ecosystems and biological diversity of fish bearing and non-fish bearing riparian areas.

Prior to alteration of land or removal, alteration, disruption or destruction of vegetation as part of development; disturbance of soils; construction or erection of buildings and structures; and prior to subdivision of land (as defined in section 455 of the Local Government Act) an owner of property within DPA 6 shall apply to the Town of Ladysmith for a development permit.

OBJECTIVES

The Riparian Development Permit Area (DPA 6) is established to protect streams (as defined by the Riparian Areas Protection Regulation (RAPR)) and their riparian areas. The Development Permit Area, DPA 6, shall be all land within the Riparian Assessment Area (RAA) as defined by the RAPR. The RAA generally consists of the 30 metres from the visible high water mark of a stream. The RAPR defines stream to mean:

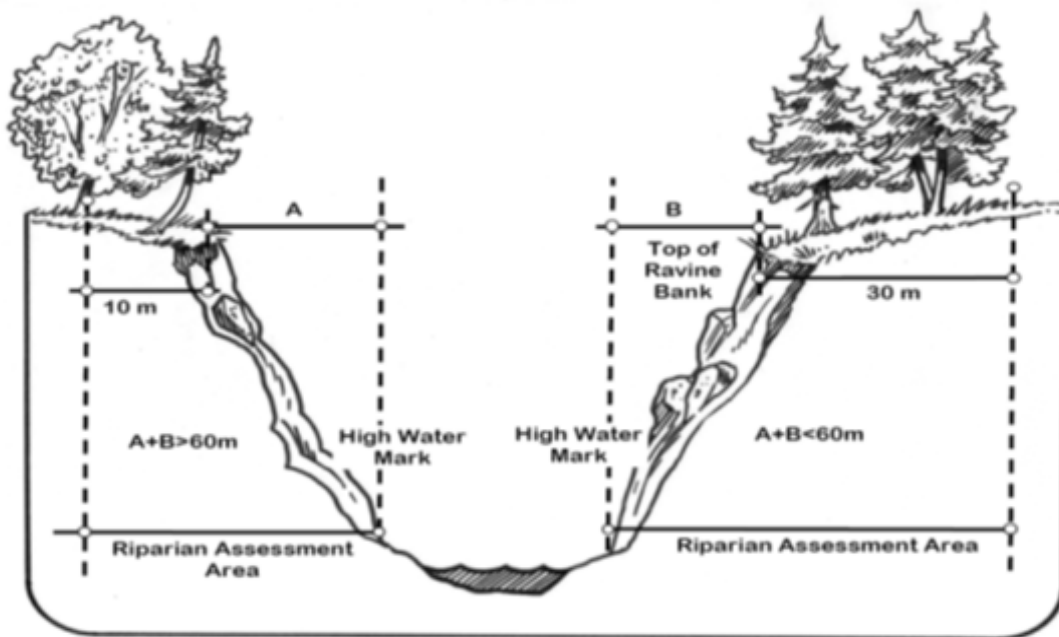
- a. a) A watercourse or body of water, whether or not usually containing water; and
- b. b) Any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
 - i. A ditch, whether or not usually containing water;
 - ii. A spring, whether or not usually containing water;
 - iii. A wetland.

Areas within DPA 6 are:

- a. Generally shown on Official Community Plan Map 8 – Development Permit Areas; and
- b. b) All areas shall be specifically determined by a surveyor or Qual-

ified Environmental Professional (QEP) to be within a Riparian Assessment Area (RAA) measuring on the ground as follows:

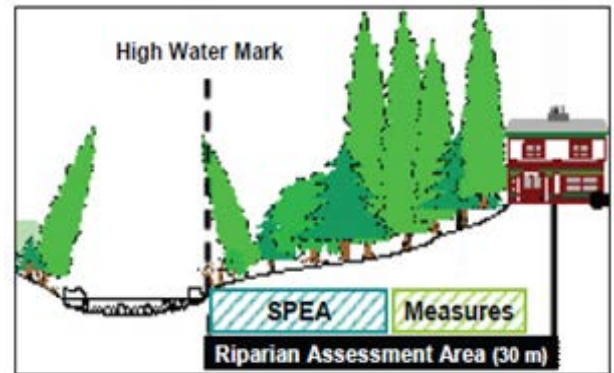
- i. for a stream, the 30 metre strip on each side of the stream that is measured from the stream boundary ;
 - ii. for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank, and
 - iii. for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank.
- c. Where there is a discrepancy between (a) and (b) above, (b) shall prevail.



Source: *Riparian Areas Regulation Implementation Guidebook*, 2006
(BC Ministry of Water Land and Air Protection)

GUIDELINES

1. A qualified environmental professional (QEP) will be retained for the purpose of preparing a riparian assessment area report pursuant to the RAPR.
2. The riparian assessment area report will be submitted to the BC Ministry of Environment and Climate Change Strategy; Fisheries and Oceans Canada; and the Town of Ladysmith.
3. Where the QEP report proposes a Harmful Alteration, Disruption or Destruction (HADD) to fish habitat referred to in the Federal Fisheries Act, the development permit shall not be issued unless the HADD is subsequently approved by Fisheries and Oceans Canada. Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA) (referred to in the RAR), the development permit will not allow any development activities to take place within the SPEA, and the owner will be required to provide a survey plan showing the location of the SPEA and a plan for protecting the SPEA during land development and over the long term.
4. SPEA protection measures to be implemented as a condition of the development permit may include the registration of a restrictive covenant or similar instrument acceptable to the Town confirming its long-term availability as a riparian buffer to remain free of development.
5. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. The development permit may include conditions requiring monitoring and regular reporting by qualified professionals.



6. If the proposed development in a riparian assessment area is due to new information or some other change, the QEP will be required to re-assess the proposal with respect to the SPEA. Development may be required to stop while the re-assessment is undertaken.
7. Wherever possible, the report prepared by a QEP shall exceed the minimum standards set out in the RAR and address matters such as: plantings of drought resistant native species, retaining natural soils, management of sediment, stormwater management, sequence and timing of development to minimize habitat disturbances, as well as mitigation options and design alternatives having regard to reports listed in Section 3.3.3(14).
8. The Zoning Bylaw's required setbacks from a watercourse may be varied so as to make the setback consistent with SPEA as indicated in the QEP report.



Holland Creek riparian area