

## **Riparian Areas Regulation Transition Policy**

Any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial uses or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non structural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*;

**And** which are located within a “**riparian assessment area**” which is defined as follows:

- a) for **stream**, the 30 metre strip on both sides of the stream , measured from the high water mark,
- b) for a **ravine** less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c) for a **ravine** 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

**Noting** that the following definitions apply:

A “**stream**” includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b).

A “**ravine**” means a narrow, steep sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

**Then**, for a local government to allow development to proceed in a riparian assessment area, a developer will be required to follow the RAR and, at their expense, hire a QEP to provide an assessment report to the Ministry of Environment and to Fisheries and Oceans Canada and the local government must receive notification from the Ministry that, in respect of the proposed development, an assessment report has been received which meets the requirements of section 4 (2) or of section 4 (3) of the Riparian Areas Regulation. For example, these requirements apply to the issuance of development permits, development variance permits or building permits for development involving a riparian assessment area or in relation to zoning, re-zoning or subdivision servicing bylaws in respect of development in a riparian assessment area.

If a development is proposed in an area that is clearly not in, or in close proximity to, a riparian assessment area, then the normal local approval process will be followed. However, if there is any doubt, local government staff may consider requiring the developer to sign a document, such as an affidavit, confirming that, in respect of the proposed development, there are no changes proposed within a riparian assessment area. The developer will then be responsible for any consequences of not following the Riparian Areas Regulation or for providing incorrect information.