

Title:	SEAWALLS		
Origin:	Development Services		
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PURPOSE:

To provide guidelines regarding the procedure and submission requirements for reviewing Building Permit and Development Permit applications for the construction, repair and alteration of seawalls on private property.

BACKGROUND:

Pursuant to the Town of Sidney Building Regulations Bylaw, the construction or repair of all new and existing seawalls in Sidney requires a Building Permit. Furthermore, where the seawall or proposed seawall is located on property designated as being within a Development Permit Area under the Official Community Plan, a Development Permit is also required.

The Department of Fisheries and Oceans Canada (DFO) has developed a Best Management Practices (BMP) document that is intended to provide the property owner with the criteria necessary to ensure the works are being done with due diligence and minimal alteration, disruption or destruction of fish habitat as required by the *Fisheries Act*. These BMP's have been incorporated into the policies and procedures outlined below.

POLICY:

This policy applies to Building Permit and Development Permit applications for the construction of new seawalls as well as the repair and alteration of existing seawalls for the purpose of erosion protection.

1. All seawalls shall be designed by a professional engineer qualified in structural and geotechnical design.
2. Erosion protection devices utilizing bio-engineering methods shall be encouraged.
3. Wherever possible, shoreline vegetation necessary to sustain the ecological functions of the shoreline shall be protected, retained and restored.
4. Seawalls shall be a maximum of 1.2 metres in height (as measured from the base on the shore) unless otherwise required by a professional engineer.
5. Seawalls and associated beach accesses (i.e. stairs, platforms, etc.) shall be located on the subject property, above the present natural boundary of the marine foreshore, unless existing conditions or an existing wall cannot or should not be altered or modified as recommended by the engineer's report. If any portion of a retaining wall is proposed to be located below the present natural boundary, written permission is required from the Ministry of Forests, Lands and Natural Resource Operations.
6. Seawalls shall be constructed of rip rap (boulder wall). Other methods/materials shall only be used if deemed necessary by a professional engineer. Flat faced cast-in-place concrete walls and lock block walls are discouraged and preservative treated lumber or timber is not permitted. It is encouraged that consideration be given to aesthetics in the design and construction of seawalls.
7. Seawalls constructed for the purpose of reclaiming land shall not be permitted unless otherwise required by a professional engineer.
8. Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the Town and Fisheries and Oceans Canada shall be identified as part of the Building Permit and/or Development Permit application.

SUBMISSION REQUIREMENTS:

Building Permit and/or Development Permit applications for new retaining walls or the repair or alteration of existing retaining walls shall include the following information:

1. A current survey completed by a British Columbia Land Surveyor (BCLS) that shows the following:
 - i. the location of the present natural boundary;
 - ii. the location and description of any present shoreline structures;
 - iii. where there has been erosion or accretion, the natural boundary as per the plan of subdivision;
 - iv. elevations and representative cross sections showing the top of bank and toe of bank; and
 - v. height and cross-section of any proposed or existing retaining wall or other shoreline protection system.
2. A report sealed by a professional engineer qualified to carry out structural and geotechnical design is required and shall include recommendations with regards to the following:
 - i. necessity of the proposed retaining wall;
 - ii. where the design of the seawall differs from specific objectives of the policy, rationale stating the need for the difference;
 - iii. potential impacts to adjacent properties with or without the installation of a retaining wall;
 - iii. mitigation methods to reduce negative impacts to the natural environment and to adjacent properties;
 - iv. potential impacts to continued public access to and passage along the foreshore, including at high tide;
 - v. where the proposed works involve repairs to an existing retaining wall, the engineer shall evaluate potential negative impacts and make recommendations to mitigate these negative impacts;
 - vi. description of the construction details, materials and methods to be used including cross sectional drawings;
 - vii. supervision and inspection requirements of the proposed works;
 - viii. certify that the site is safe for the intended use; and
 - ix. acknowledge that the Town of Sidney may rely upon the report when making a decision regarding the development of the land;
3. If works are proposed to be undertaken on the beach:
 - i. confirmation how access is going to be achieved and any required permissions (i.e. if through an adjacent property owner); and
 - ii. written confirmation from DFO that the machinery will not adversely impact the beach environment and mitigation methods to reduce negative impacts must be detailed;
4. Details of vegetation species that may be affected or removed, both within the intertidal zone and immediately upland, a proposed replanting plan, and other methods to mitigate the loss of vegetation;
5. Confirmation from the professional engineer that DFO will be informed of the proposed works and advised of the name of selected contractor(s) and when the proposed works are to be undertaken;
6. The name of the contractor, if any, who will do the work; and
7. The date and a proposed schedule when the proposed works are to be undertaken. The timing of works shall consider fisheries and wildlife sensitive periods (such as the fish spawning window, late summer bird migration, etc.).