

12.4 Development Permit Area 2 – Natural Environment

PURPOSE

The purpose of DPA 2 – Natural Environment is to...

- protect the natural environment, its ecosystems, and biological diversity.

The natural environment, its ecosystems, and biodiversity are highly valued because they provide a variety of ecosystem services, including clean surface and ground water, clean air, stormwater management, recreation, and social and cultural support. They are also equally valued for their inherent ecological significance to current and future generations and their susceptibility to harm caused by development and human activity.

OBJECTIVES

Development and human activity pose significant risks to the integrity, functionality, and biodiversity of the natural environment. This includes direct intrusion within ecologically sensitive areas and wildlife habitats, offsite impacts such as water, air, light and noise pollution, and introduction of invasive species. The objective of this DPA is to help ensure that designated components of the natural environment are protected and restored, and that the risks posed by development and human activity are mitigated to the greatest extent possible.

APPLICATION

1. All mapped and unmapped ecologically sensitive areas, wildlife habitats, and species-at-risk in Duncan are designated DPA 2 – Natural Environment. Mapped areas and features are shown on Map 2 – Environmentally Sensitive and Hazard Areas. Designated mapped and unmapped features and areas include the following:
 - (a) streams, wetlands, and their corresponding riparian ecosystems, including the riparian assessment area established under the *Riparian Areas Protection Regulation of the Riparian Areas Protection Act*;
 - (b) raptors, herons, their nest trees, and an area covering a 100 m radius around active raptor and heron nest trees;
 - (c) vulnerable aquifers; and
 - (d) any provincially red or blue listed species or ecosystems.
2. Unless exempted, a Development Permit application is required within this DPA prior to subdivision, siting, construction, or moving of buildings or other structures, land alteration, soil disturbance, cutting, trimming or removal of trees and other vegetation, and installation or construction of works and services.

EXEMPTIONS

3. The following activities and development are exempt from the requirement to obtain a Development Permit:
 - (a) Invasive species management, provided that the work is carried out in accordance with best management practices for invasive species management.
 - (b) Environmental restoration work carried out by an environmental non-profit society or similar community group under the direction and supervision of a qualified professional.

- (c) Landscaping of existing landscaped areas, provided that the boundaries or extent of the existing landscaped area does not expand.
- (d) Removal of a tree, or portion of a tree, determined by an arborist in an arborist report to be a hazard tree posing an imminent risk to human life or buildings. Arborist and arborist report have the same meaning as in the City's tree protection bylaw.
- (e) Interior renovations to existing buildings and structures.
- (f) Exterior renovations to existing buildings and structures that do not change the footprint of the buildings or structures.
- (g) Additions to existing buildings or structures that do not result in the footprint of the building or structure moving closer to the environmentally sensitive area, wildlife habitat, or species at risk. In the case of a nest tree area (100 m from nest trees), a Development Permit application is always required.
- (h) Any work undertaken by the City, its contractors, and agents, provided that the principles of these guidelines are adhered to.
- (i) In the vulnerable aquifer area, any development that does not include vehicle repair shops, car washes, dry cleaning facilities, gas stations, and recycling depots.

GUIDELINES

4. All proposed development will be reviewed for consistency with provincial and federal best management practices, including, but not limited to, *Develop with Care, Guidelines for Amphibians and Reptile Conservation during Urban and Rural Land Development in British Columbia* (2014), and *Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia* (2013). These best management practices may be used to determine the conditions in the Development Permit authorizing the proposed development.
5. The environmental protection, restoration, and invasive species management measures identified in the reports and assessments provided with the Development Permit application must be followed at all stages of the proposed development.
6. Protection areas identified by the qualified professional must be maintained free of development and conserved in a natural vegetated state, except as permitted by a Development Permit issued in accordance with these guidelines.
7. Proposals must make every effort through site design to avoid or minimize encroaching into protection areas and to avoid impacts to their natural features, functions, and conditions.
8. A buffer area adjacent to a protection area may be required to provide additional protection.
9. Boundaries of protection areas and buffers must be physically located on the ground by a BC Land Surveyor prior to any site development or other site disturbance.
10. Temporary fencing must be installed along the boundaries of protection areas and buffer areas prior to any site development or other site disturbance. The purpose of the temporary fencing is to demarcate areas that must not be disturbed during the course of development.
11. Permanent fencing and signage must be installed along the boundaries of protection areas and buffer areas to provide long-term demarcation and protection.
12. Natural watercourses, including streams and wetlands, must be dedicated to the City, as determined by the Manager of Planning.

13. An environmental protection covenant, including a reference plan prepared by a BC Land Surveyor, may be required to identify land that must remain free of development and to require specified natural features to be preserved, protected, restored, or enhanced.
14. Restoration plans must only include native, drought-tolerant species that will increase biodiversity and support wildlife habitat.
15. Development must not adversely impact raptor or heron habitat features, including nest sites, foraging areas, roosting sites, and surrounding protective buffers. This includes restrictions on the timing of development to mitigate the impacts of noise pollution on herons and raptors.
16. Nest tree protection areas may be required to be free from development.
17. A qualified professional must act as an environmental monitor to ensure that the conditions of the Development Permit are being adhered to during the course of construction and must submit a post-construction report to the City.