

9.6 Development Permit Area No. 4 – Gorge Waterway

9.6.1 Scope

All waters of the Gorge within Esquimalt and the lands within 30 meters of the natural boundary of the Gorge Waterway form DPA No. 4 and are shown on “Schedule C” of this Plan.

9.6.2 Category

Section 919(1)(a) of the *Local Government Act* – protection of the natural environment.

9.6.3 Justification

The Gorge waterway is a sensitive, tidal-influenced watercourse that connects the fish-bearing fresh water of Craigflower and Colquitz Creeks with the saltwaters of Victoria Harbour.

Over the past few decades, significant public expenditures and efforts have gone into removing sources of pollution and contamination that once plagued this waterway.

However, the removal of native shoreline vegetation and the construction of extensive sea walls has substantially diminished the quality of the shoreline as supportive habitat for fish and wildlife. Both private and public landowners are responsible for this loss of habitat, often through well meaning and beneficial projects such as shoreline walkways.

This plan, like previous plans, encourages the restoration of more natural habitat conditions on private and public land adjacent to the Gorge Waterway and the acquisition of the foreshore as parkland in all redevelopment proposals. Environmentally friendly construction methods must be utilized in redevelopment in this environmentally significant zone.

The Township encourages property owners to undertake voluntary protection of natural features and the use of stewardship tools such as conservation covenants.

9.6.4 Requirements of Owners of Land within the Development Permit Area

- a) Owners of land within Development Permit Area No. 4 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
 - i) alter lands;
 - ii) subdivide lands; or
 - iii) construct or alter a building or structure;without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area.
- b) Exemptions:

The following do not require a development permit:

 - i) construction of buildings or structures less than 10 square metres in area and located more than 20 m from the high water mark;
 - ii) minor additions to existing dwellings where the floor area of the addition does not exceed 10 percent of the ground floor area of the dwelling;
 - iii) emergency repairs to existing structures and public walkways where a potential safety hazard exists;

- iv) fences constructed along a side parcel boundary (generally perpendicular to the shoreline); and
- v) the cutting of trees as permitted by the municipal tree protection bylaw.

9.6.5 Guidelines for Owners of Land within the Development Permit Area

- a) New buildings or structures, other than lawfully established boat moorage facilities, will not be located with 20 metres of the high water mark of the Gorge Waters.
- b) Where shoring methods are required to prevent erosion or sloughing of the shoreline, bio-engineering methods are preferred rather than the use of sea-walls or retaining walls.
- c) Where sea-walls or retaining walls are the only means of effectively preventing erosion, they should be designed in consultation with qualified environmental professionals as well as engineering professionals.
- d) The preservation and enhancement of native trees and shrub clusters that overhang the waters edge will be strongly encouraged as these provide shade, protection and feeding habitat for fish and wildlife.
- e) In the design of new developments or re-developments, lands within 7.5 metres (25 ft) of the high water mark of the Gorge will be retained in a natural state. In the event that the area has been previously cleared or altered, it should be rehabilitated with native plant species suitable to the site conditions. Rehabilitation may be a requirement of the Development Permit.
- f) Any new public pathways along the Gorge waterway will be designed and constructed in consultation with qualified environmental professionals and the Township of Esquimalt Parks Department.
- g) Lighting fixtures within 30 metres of the Gorge Waters will be designed to avoid glare spill over onto the water's surface.
- h) In the design of new developments or re-development, the use of soft engineered and innovative alternatives to stabilizing shorelines and preventing erosion, such as bioengineering rather than traditional hard engineered solutions should be considered.