

**ISLANDS TRUST COUNCIL  
BYLAW NO. 175**

**A Bylaw to Establish Policies and Procedures for Requiring Development Approvals Information for  
the Salt Spring Island Local Trust Area**

WHEREAS the Salt Spring Island Local Trust Committee, pursuant to ss. 484 and 485 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

NOW THEREFORE the Islands Trust Council, pursuant to sections 486 of the *Local Government Act* and s. 29(3.1) of the *Islands Trust Act*, enacts as follows:

**PART 1                      TITLE**

1. This bylaw may be cited for all purposes as "Salt Spring Island Local Trust Committee Development Approval Information Bylaw No. 175, 2018".

**PART 2                      PURPOSE**

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

**PART 3                      DEFINITIONS**

3. In this Bylaw, the following definitions shall apply:

**"Agriculture Impact Assessment"** means an assessment and identification of potential impacts on agricultural activities or water supplies on the subject or adjacent land that are zoned for agriculture or located within the Agricultural Land Reserve (ALR), and includes a summary of the methodology used to assess pre-development conditions, potential post-development impacts as well as recommended mitigation measures.

**"Business Day"** means a day that is not Saturday or Sunday or a public holiday in the province of British Columbia.

**"Conservation Assessment"** means an evaluation to identify environmentally valuable features on or near the proposed development based on current best practices, such as, but not limited to, the "Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field" and "Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia."

**"Development Application"** means an application for:

- (a) Amendments to a bylaw of the Salt Spring Island Local Trust Committee enacted under section 479 of the *Local Government Act*;
  - (b) A development permit; or,
  - (c) A temporary use permit,
- if the activity or development that is the subject of the application is a circumstance or an area specified for the provision of development approval information in Salt Spring Island Official Community Plan Bylaw No. 434, 2008 (the "Official Community Plan")

**“DAI Report”** means a report that contains the information and assessments required for a decision on the approval of a *Development Application*.

**“Impact Mitigation Measures”** means recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial, aquatic, and marine habitats, as well as geomorphic, hydrological and coastal processes, and includes a description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

**“Lighting Assessment”** means an assessment and identification of lighting impacts due to spillage and includes a summary of the methodology for assessing pre-development light levels and for estimating post-development light impacts and recommended mitigation measures.

**“Monitoring Requirements”** means any recommended *monitoring requirements*, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

**“Noise Assessment”** means an assessment and identification of noise generated by the proposed development, and includes a summary of the methodology used to measure pre-development noise levels and to estimate post-development noise levels impacts and recommended mitigation measures.

**“Preliminary Water Supply Study”** means a preliminary water supply study prepared by a professional (civil) engineer to assess whether sufficient groundwater supply is available through an approved well water license to support all water demand types for the proposed development in accordance with the requirements of the regional health authority. Where the total water demand for a proposed development exceeds approved groundwater supply, as set out in the provincial *Design Guidelines for Rural Residential Community Water Systems*, the preliminary water supply study shall:

- (a) Identify all proposed water sources;
- (b) Identify how each type of water demand will be serviced;
- (c) estimate the total number of occupants the available groundwater will support based on the sustainable yield of the well (as approved in the well water license) and use of supplementary water sources (e.g., greywater, rainwater); and
- (d) Estimate how many dwelling units the proposed water supply system would service based on occupancy rates consistent with the provincial *Design Guidelines for Rural Residential Community Water Systems* or the BC census.

**“Professionally certified”** means a professional certification by a Qualified Environmental Professional that they are qualified to carry out the assessment and that appropriate assessment methods have been followed in the preparation of a professional opinion in an evaluation and impact assessment report.

**“Restoration Assessment”** means an assessment with recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

**“Site Background Analysis”** means a *site background analysis* that is based on applicable databases such as, but not limited to, the Species and Ecosystems Explorer Tool and the Sensitive Ecosystem Inventory from the Ministry of Environment, and the Wildlife Tree Stewardship Atlas from the Community Mapping Network, and includes a description of the context of the site, including the use of adjacent lands and proximity to protected areas and a check for water licenses, and the results from a site assessment for observed species and ecosystems at risk, and a site assessment for the presence of raptor and heron nests and the presence of fish-bearing watercourses.

**“Site Impact Assessment”** means an assessment of the nature and extent of the impact of the proposed development, in particular, anticipated impacts on identified site conditions, including but not limited to:

- (a) Marine
- (b) Aquatic habitat;
- (c) Terrestrial habitat;
- (d) Site hydrology;
- (e) Marine sediment transport;
- (f) Aquatic sediment transport; and,
- (g) Public access to and along the foreshore,

and includes impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area, and the identification of potential impacts on adjacent sites and proximate sensitive areas.

**“Site Inventory”** means a *site inventory* providing information on the following:

- (a) Existing plant communities;
- (b) Marine habitats;
- (c) Aquatic habitats;
- (d) Terrestrial habitat;
- (e) Current on-site and adjacent land uses;
- (f) Slope stability;
- (g) Erosional processes;
- (h) Hydrology;
- (i) Topography;
- (j) Aquatic sediment transport; and
- (k) Marine sediment transport.

The *site inventory* may require the involvement of several suitably qualified professionals.

**“Site Plan”** means *site plan* prepared by a BC land surveyor or other professional as approved by the officer, at an appropriate scale, delineating the proposed development and associated features, including:

- (a) Topographic features showing natural slope contours at appropriate contour intervals;
- (b) Significant natural features;
- (c) The development permit area boundary;
- (d) Current and proposed buildings, structures, signage, and all supporting infrastructure;
- (e) Roads, driveways, vehicular and bicycle parking areas, and loading areas;
- (f) Pedestrian pathways or sidewalks;

- (g) Proposed site grading and post development contours.

**“Vegetation Assessment”** means an assessment and identification of vegetative screening for adjoining lands, including agricultural land, parking lots, loading docks and service infrastructure; potential impacts to viewsheds of neighbouring properties, harbours and/or uplands, and includes a summary of the methodology used to assess pre-development conditions and for identifying post-development impacts and recommended mitigation measures.

**“Watercourse Assessment”** means an identification and assessment of any proposed changes to existing natural and human made watercourses, as well as potential drainage hazards to the surface and groundwater that may affect the subject site and neighbouring properties, and includes a summary of the methodology and the level of field work, statements demonstrating that pre and post development flows remain constant, inclusion of any off-site drainage hazards mitigation, and identification of maintenance requirements.

#### **PART 4 APPLICATION**

4. This Bylaw applies to all *Development Applications*, subject to the exceptions listed in this Bylaw.
5. Any application for an activity or development that is a reviewable project under the *Environmental Assessment Act* is exempted from this Bylaw.

#### **PART 5 PROCEDURE**

6. An official assigned from time to time to provide planning services to the Salt Spring Island Local Trust Committee is the official for the purposes of this bylaw.
7. Where a *DAI Report* is required, the information for the *DAI Report* shall be provided to the official by the applicant and at the applicant’s cost.
8. The applicant shall provide the *DAI Report* to the official in the format specified by the official. The official may determine that all or part of the *DAI Report* shall be provided in digital form.
9. The official may, on a case-by-case basis and at their sole discretion, amend specific requirements for a particular *DAI Report*. Any amendments to the requirements for a particular *DAI Report* must be communicated by the official to the applicant in writing.
10. Within 30 *Business Days* of receipt of a complete application, the official shall determine to what extent a terms of reference and/or development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.
11. An applicant may request that the Local Trust Committee reconsider a decision of an official under this bylaw within 30 *Business Days* of the date on which the official’s decision is communicated to the applicant.

12. A request for reconsideration must be delivered in writing to the Legislative Clerk and must set out the grounds on which the applicant requests a reconsideration of a decision and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.
13. The Legislative Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 *Business Days* prior to that meeting.
14. The Legislative Clerk must reasonably notify the applicant and any other person who the Legislative Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
15. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

## **PART 6 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

16. For *Development Applications* that require **construction of a water supply system**, including *Development Applications* under Part 7, the official may require a *Preliminary Water Supply Study*.
17. For *Development Applications* in respect of **Development Permit Area 1 – Island Villages**, as designated in the Official Community Plan and in accordance with sections 488 (1)(b), (c) and (f) of the *Local Government Act* for protection of development from hazardous conditions, protection of farming, and form and character of commercial, industrial or multi-family residential development, the *DAI Report* shall contain the following information:
  - (a) Description of the proposed development including illustrations drawn to an appropriate scale that show building siting, massing, scale and modulation.
  - (b) *Site Plan*
  - (c) *Noise Assessment*
  - (d) Solar Assessment, which is an assessment and identification of solar orientation or any obstructions of solar gain and includes a summary of the methodology used to assess the potential for solar gain and recommended mitigation measures, if needed.
  - (e) *Lighting Assessment*
  - (f) *Vegetation Assessment*
  - (g) *Agriculture Impact Assessment*
  - (h) For developments with greater than 280 m<sup>2</sup> of impervious surface, a *Watercourse Assessment*
  - (i) Viewshed Assessment, which is an identification of views of harbors and uplands from neighbouring properties and public roads and lands and an assessment of the impact of the proposed development on views
18. For *Development Applications* in respect of **Development Permit Area 2 – Non-Village Commercial and Industrial**, as designated in the Official Community Plan and in accordance with sections 488 (1)(c) and (f) of the *Local Government Act* for protection of farming, and form and character of commercial and industrial development, the *DAI Report* shall contain the following information:

- (a) Description of the proposed development including illustrations drawn to an appropriate scale that show building siting, massing, scale and modulation;
- (b) *Site Plan*;
- (c) *Vegetation Assessment*;
- (d) *Noise Assessment*;
- (e) *Agriculture Impact Assessment*;
- (f) *Lighting Assessment*;
- (g) *Watercourse Assessment*.

19. For *Development Applications* in respect of **Development Permit Area 3 – Shoreline**, as designated in the Official Community Plan and in accordance with sections 488 (1) (a), (b) and (f) of the *Local Government Act* for protection of natural environment, protection of development from hazardous conditions, and form and character of commercial and industrial development, the *DAI Report* shall contain the following information:

- (a) Description of the proposed development including information regarding construction, timing of development activity, lighting, signage, cut and fill, blasting, road or driveway construction, boat ramps, parking lots, vegetation clearing or trimming, dredging, alteration to underwater bathymetry, hydrological systems, shoreline stabilization works, bulkheads, alterations affecting the marine foreshore, sewage disposal system installation, landscaping, and non-toxic and inert construction materials;
- (b) *Site Plan*, with the following additional information included:
  - (i) Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended post-development conditions;
  - (ii) Existing and proposed clearances of piers from the natural boundary;
  - (iii) Dock clearances from the foreshore;
- (c) *Site Inventory*;
- (d) For land based developments, a *Site Background Analysis*;
- (e) *Conservation Assessment*;
- (f) *Site Impact Assessment*;
- (g) *Impact Mitigation Measures*;
- (h) *Monitoring Requirements*;
- (i) *Restoration Assessment*;
- (j) *Lighting Assessment*;
- (k) A description of how the proposed development will mitigate and adapt to potential impacts of climate change, including but not limited to sea level rise, storm surges and severe weather events.

20. For *Development Applications* in respect of **Development Permit Area 4 – Lakes, Streams, and Wetlands**, as designated in the Official Community Plan and in accordance with section 488 (1)(a) of the *Local Government Act* for protection of natural environment, the *DAI Report* shall contain the following information:

- (a) A description of the proposed development;
- (b) *Site Plan* that contains the following additional information that is based on a current legal survey:
  - (i) Location of existing and proposed sewage installation;
  - (ii) Location of the top of bank; and,

- (iii) Location of natural boundary of the lake(s), stream(s) and wetlands;
- (c) *Site Inventory*;
- (d) For land based developments, a *Site Background Analysis*;
- (e) *Conservation Assessment*;
- (f) *Site Impact Assessment*;
- (g) *Impact Mitigation Measures*;
- (h) *Monitoring Requirements*;
- (i) *Restoration Assessment*;
- (j) A *Professionally certified* opinion that, if the development is implemented as proposed, there will be no harmful alteration, disruption or destruction of environmentally valuable features, functions and conditions.

21. For applications in respect of **Development Permit Area 5 – Community Well Capture Zones**, as designated in the Official Community Plan and in accordance with section 488 (1)(a) of the *Local Government Act* for protection of natural environment, the *DAI Report* shall contain the following information:

- (a) A description of the proposed development;
- (b) A *Site Plan* that includes the following additional information:
  - (i) Location of sewage disposal system installations; and
  - (ii) Location of fuel tank installations;
- (c) Exposed soil management plan, which means an estimate of the amount of exposed bare soil and a stormwater management plan if more than 280 m<sup>2</sup> of bare soil is proposed to be exposed;
- (d) Groundwater impact assessment, which means an assessment of impacts to groundwater, and mitigation measures including a spill containment plan for non-residential buildings that propose to store materials that could impact groundwater.

22. For Development Applications with respect to **Development Permit Area 6 – Unstable Slopes and Soil Erosion**, as designated in the Official Community Plan and in accordance with sections 488 (1)(a) and (b) of the *Local Government Act* for protection of the natural environment and protection of development from hazardous geological conditions, the *DAI Report* shall contain the following information:

- (a) A *Site Plan* that contains the following additional information:
  - (i) An estimate of the area of bare soil resulting from vegetation removal; and
  - (ii) Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development;
- (b) A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, including the identification of trees to be removed that are greater than 20 cm diameter, alterations to hydrological systems, alterations affecting the marine foreshore, sewage disposal system installation, landscaping, or other land alteration during or after the development phase;
- (c) A geotechnical assessment, which means an assessment prepared by a professional engineer or geoscientist of potential geotechnical hazards that may affect the subject site and neighbouring properties including all issues related to site drainage, surface or deep seated soil slippage, rock fall hazards, seismic constraints, site clearing and vegetative retention, and includes a summary of the hazard analysis methodology and the level of field work;

- (d) An assessment of whether the proposed development would result in an accepted probability of a geotechnical hazard, accompanied by a supporting rationale;
- (e) Where an unacceptable level of hazard is identified, recommendations for measures to reduce hazards on the subject site and neighbouring properties;
- (f) Where applicable, the report must meet the Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, May 2010, including submission of Schedule D (Landslide Assessment Assurance Statement); and,
- (g) *Monitoring Requirements*.

23. For *Development Applications* in respect of **Development Permit Area 7 – Riparian Areas**, as designated in the Official Community Plan and in accordance with section 488 (1)(a) of the *Local Government Act* for protection of the natural environment, the *DAI Report* shall contain the following information:

- (a) Description of the proposed development detailing construction methodology, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, sewage disposal system installation, landscaping, or other land alteration during or after the development phase, as well as identification of alternative development option(s);
- (b) *Site Plan* that contains the following additional information:
  - (i) The locations of the top of bank and high water marks;
  - (ii) Streamside Protection and Enhancement Areas (SPEA) widths;
  - (iii) Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
- (c) *Site Inventory* that includes additional information about the biological function of the riparian zone, including species of fish that frequent the waterbody, stream magnitude and values of connected downstream habitat;
- (d) For any impacted streams, as defined under the *Riparian Areas Regulation*, an assessment of the nature and extent of the impact of the proposed development that includes the following information:
  - (i) The results of a riparian assessment using a detailed or simple assessment as indicated in *the Riparian Areas Regulation*, and establishing the SPEA width for the subject parcel as well as a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment, sediment and erosion control, as well as appropriate stormwater management techniques as a development-related measure.
- (e) *Monitoring Requirements* that contain the following additional information:
  - (i) Actions to ensure that all SPEA protective measures are implemented appropriately;
  - (ii) A monitoring schedule to ensure compliance can be assessed and to allow for modifications to occur, as appropriate, to ensure adequate protection of the SPEA; and,
  - (iii) A process for resolving any non-compliance.
- (f) *Restoration Assessment*;

- (g) For any impacted streams, as defined under the *Riparian Areas Regulations* professionally certified opinion that, if the development is implemented as proposed:
- (i) There will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area; or,
  - (ii) The measures identified in the *DAI Report* are adequate to protect fish life processes in the affected area from the development;
  - (iii) If the streamside protection and enhancement areas identified in the *DAI Report* are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

24. Where a particular type of information is required for a *DAI Report*, as identified in sections 16 through 23 of this Bylaw, that information must be prepared by a consulting professional with qualifications listed in the table below, or as otherwise approved in writing by the official.

<b>TYPE OF INFORMATION</b>	<b>CONSULTING PROFESSIONAL</b>
Agriculture	- Agrologist (Registered with BC Institute of Agrologists)
Anthropological Study	- Post-graduate degree in anthropology
Archaeological Assessment	- Registered Professional Consulting Archaeologist (BC Association of Professional Archaeologists)
<i>Conservation Assessment</i>	- Registered Professional Biologist (College of Applied Biology)
Environmental Assessment	- Registered Professional Biologist (College of Applied Biology)
Geological Hazard	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC)
Groundwater Assessment	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC)
Heritage Assessment	- Registered Planning Professional (Planning Institute of BC) - Registered Architect or Architectural Technician (Architectural Institute of BC) - Full Member BC Association of Heritage Professionals
Landscape Plan	- Registered Landscape Architect (BC Society of Landscape Architects)
Land Use	- Register Professional Planner (Planning Institute of BC)
Legal Survey	- Land Surveyor (Registered with the Association of British Columbia Land Surveyors)
Raptor Nest	- Registered Professional Biologist (College of Applied Biology)

Riparian Areas	- Qualified Environmental Professional (Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist registered with an appropriate BC professional association)
Sensitive Ecosystem	- Registered Professional Biologist (College of Applied Biology)
Sewage disposal system Systems	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)
Shoreline and Marine	- Geotechnical/hydrological and marine considerations; - Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC) - Biological/environmental considerations: - Registered Professional Biologist (College of Applied Biology)
Shoreline Stabilization	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC)
<i>Site Background Analysis</i>	- Registered Professional Biologist (College of Applied Biology)
<i>Site Plan</i>	- Land Surveyor (Registered with the Association of British Columbia Land Surveyors) - Professional Civil Engineer (Registered with Engineers and Geoscientists BC) - Registered Architect or Architectural Technician (Architectural Institute of BC)
Spill Containment	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)
Stormwater Drainage	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)
Traffic Impact Assessment	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC) - Transportation Planner (Post-graduate degree in urban planning or a related discipline)
Tree & Native Vegetation Protection	- Registered Professional Biologist (College of Applied Biology) - Registered Professional Forester (Association of BC Forest Professionals)

25. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of this Bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in the Official Community Plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw.

## **PART 7 TERMS OF REFERENCE**

26. For a *Development Application* involving amendments to a bylaw of the Salt Spring Island Local Trust Committee enacted under s.479 of the *Local Government Act*, or a temporary use permit, the official may require an applicant to provide Terms of Reference for the preparation of the *DAI Report*.

27. Where Terms of Reference are required, the applicant shall provide to the official, Terms of Reference that consider the following information:
- (a) Information requirements identified in or that arise from any applicable objectives, policies and guidelines in the Official Community Plan;
  - (b) Information requirements specified in this bylaw;
  - (c) That the information in the *DAI Report* will be prepared by a person having professional expertise and relevant experience in the matters included in the Terms of Reference;
  - (d) The identity, qualifications and experience of the person or persons who the applicant proposes to engage to prepare the *DAI Report*;
  - (e) The date by which the *DAI Report* is to be provided to the official; and,
  - (f) The form and the number of copies in which the *DAI Report* will be provided.
28. Where Terms of Reference are required, the applicant shall provide to the official, Terms of Reference that identify the scope of the information that is to be prepared in the *DAI Report*, to the extent that the proposed activity or development can be reasonably expected to have an appreciable impact on any of the following matters:
- (a) The natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding terrestrial, marine or freshwater habitats impacted by the development activity;
  - (b) Hazards, including geological, flood, stormwater, and wildfire hazards;
  - (c) Greenhouse gas emissions, climate change impacts, anticipated energy usage, and carbon emissions;
  - (d) Freshwater resources, including groundwater;
  - (e) Local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;
  - (f) Local public or community facilities;
  - (g) Local commercial services;
  - (h) Supply and demand for local commercial space;
  - (i) Local and off-island employment opportunities;
  - (j) Affordable and seniors housing needs;
  - (k) Agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;
  - (l) Cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and
  - (m) Aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed
  - (n) The use or enjoyment of residential property.
29. For every matter within the scope of section 28 of this Bylaw that is included in the Terms of Reference, the applicant shall:
- (a) Identify relevant baseline information for existing conditions and document the nature of the resource or other matter on which the proposed activity or development may have an impact;

- (b) Identify and describe the potential and likely impacts of the activity or development, including any cumulative effects when combined with other projects proposed or under development;
  - (c) Evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated;
  - (d) Make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided; and
  - (e) Make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development, all in accordance with generally accepted impact assessment methodology.
30. The applicant may include in the Terms of Reference any additional matter that the applicant considers information that ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.
31. The official may require that the Terms of Reference or a *DAI Report* provide additional information on the relationship between the proposed activity or development, and
- (a) The object of the Islands Trust set out in the *Islands Trust Act*;
  - (b) The Islands Trust Policy Statement;
  - (c) The Regional Conservation Plan; and,
  - (d) In the case of a proposed amendment to a bylaw enacted under s. 479, the Official Community Plan of the Local Trust Committee.
32. Within 20 *Business Days* of receipt of the Terms of Reference, the official must indicate in writing to the applicant that
- (a) The Terms of Reference submitted by the applicant are acceptable;
  - (b) The Terms of Reference submitted by the applicant are acceptable if additional matters specified by the official and within the scope of section 26 of this bylaw are included;
  - (c) The Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, whose selection has been approved in writing by the official, prepares the impact information; or,
  - (d) The Terms of Reference are unacceptable and must be replaced by the applicant.
33. For the purposes of section 28(b), when accepting Terms of Reference the official may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.
34. If the official does not provide information pursuant to section 32 within 20 *Business Days*, the official is deemed to have accepted the proposed Terms of Reference.
35. Upon receipt of notice accepting the Terms of Reference, or where the Terms of Reference have been deemed to be accepted, the applicant must prepare, at its sole expense, the impact

information in accordance with the accepted Terms of Reference and must provide it to the official within the time specified in the Terms of Reference.

36. If Terms of Reference approved under section 32 specifies professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person, the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.
37. Within 10 *Business Days* of receipt of the information pursuant to section 36, the official must advise the applicant whether the proposed person is acceptable. If the proposed person is not acceptable, the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth day, the official is deemed to have accepted the proposed person.
38. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference.

#### **PART 8 INDEPENDENT REVIEW**

39. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.
40. The official may specify that the independent review be conducted by a member of the relevant professional association and may specify terms of reference for the review.
41. The applicant must arrange for the independent review to be conducted and submitted in writing to the official, at the applicant's expense, and within the time specified by the official.

#### **PART 9 PROPRIETARY RIGHTS IN INFORMATION**

42. The information that is provided to the official pursuant to this bylaw is required by the Local Trust Committee in the exercise of its powers under the *Local Government Act* and the *Islands Trust Act*. Every report or other document provided to the official pursuant to this bylaw must accordingly contain an express grant of permission to the Islands Trust to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME this 3RD day of DECEMBER, 2019.

READ A SECOND TIME this 3RD day of DECEMBER, 2019.

READ A THIRD TIME this 3RD day of DECEMBER, 2019.

ADOPTED this 10TH day of MARCH, 2020.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chair