

Department of Environment and Local Government Source and Surface Water Management Branch

Development within 30 metres of a watercourse

INTRODUCTION

The *Clean Water Act* requires, in part, that a person planning an alteration, as defined by the Act, to a watercourse or wetland and/ or within 30 metres of these features shall first obtain a permit issued by the Minister. The procedure for obtaining such a permit is set out in the *Watercourse and Wetland Alteration Regulation*, under the *Clean Water Act*.

The Department of Environment and Local Government (DELG) has adopted an operational practice to serve as supplementary information to the Watercourse and Wetland Alteration (WAWA) Technical Guidelines. The operational practice was developed to ensure consistent and transparent decision making while reviewing projects involving development which involve soil disturbance and removal of vegetation within 30 metres of watercourses.

WHAT YOU NEED TO KNOW

The operational practice applies to watercourses, as described below, and only where there is no regulated wetland or provincially significant wetland present within 30 metres of the proposed work.

1) Watercourses that are prone to flooding, tidal influence, and all lakes

These areas are ecologically more sensitive, therefore more restrictions need to be imposed to protect these areas. If your project is within 30 metres of the shoulder of the bank of a lake, or a watercourse that is influenced by tide or is in a flood prone area, you should consider the following when designing your projects.

For properties that are already developed:

- a) Rebuilding of dwellings is permitted on the same footprint as the previous/existing structure and must be no closer to the watercourse than the current/previous footprint.
- b) Building expansions may be permitted provided they are no closer to the watercourse than the current structure.
- c) Within flood prone areas: A damaged foundation may be repaired/raised. If a new foundation is required, it must include a crawl space with no floor on the ground or be composed of posts/ beams with a crawl space.
- d) Infilling for the purpose of raising a property is not permitted. Fill may be placed adjacent to a foundation wall, with a gentle slope down to the ground, to ensure wall stability. Fill may also be used to repair damage to a property, or to level a property, provided that the height of the grade is not increased during this exercise.

For properties that are not developed (*i.e.* no structure present/ not cleared of vegetation):

- a) If there is buildable area outside of 30 metres of the shoulder of the bank of the watercourse, dwellings and annex structures (*i.e.* patio, porch, veranda, garage, etc.) are not permitted within 30 metres of the shoulder of the bank of the watercourse.
- b) Gazebos, sheds, free-standing decks may be installed no closer than 15 metres from the shoulder of the bank of the watercourse if they are on a foundation or a slab. If on blocks/ posts, they may be installed no closer than 6 metres from the shoulder of the bank of the watercourse (maximum footprint of 25 square metres).
- c) Landscaping activities are not permitted within 15 metres of the shoulder of the bank of the watercourse.
- d) Infilling for the purpose of raising the property is not permitted.
- e) Limited vegetation removal/ thinning is permitted for viewing and landscaping purposes.
- f) The construction of boat ramps may be permitted. Boat ramps and view ways should be at least 55 metres apart.

2) All other watercourses

For properties that are already developed:

- a) Rebuilding of dwellings is permitted no closer to the watercourse than its current/ previous footprint
Building expansions may be permitted provided they are no closer to the watercourse than the existing structure's footprint.

For properties that are not developed (*i.e.* no structure present/ not cleared of vegetation):

- a) Dwellings and annex structures (*i.e.* patio, porch, veranda, garage, etc.) are permitted no closer than 15 metres from the shoulder of the bank of the watercourse.
- b) Gazebos, sheds, free-standing decks are permitted no closer than 6 metres from the shoulder of the bank of the watercourse.
- c) Landscaping activities are permitted no closer than 6 metres from the shoulder of the bank of the watercourse.
- d) Limited vegetation removal/ thinning is permitted for viewing and landscaping purposes.
- e) The construction of boat ramps may be permitted. Boat ramps and view ways should be at least 55 metres apart.

APPLICATION REQUIREMENTS

All WAWA permit applications must be submitted using the online application program (<https://www.elgegl.gnb.ca/WAWAG/en/Home/Site>). During the application process, you will be able to upload all supporting documents for your project. You will need the following information when submitting your proposal:

-A project description detailing your project, which must provide the measurements of your alteration(s), including distances between the alteration(s) and the shoulder of the bank of the watercourse.

-Drawings showing all measurements/ distances of your project. In addition to buildings/ structures, the plans should also show the location and total area of landscaping and the extent of vegetation removal (if applicable).

-If you are not listed as the property owner as displayed through Service New Brunswick, you must include written consent from the landowner. Furthermore, if you are applying as a contact on behalf of the landowner, you must include written consent from the landowner to do so.

-Fees must be paid. Payment can be made online during the time of the application. However, if you choose to pay at one of DELG's office, you will have to pay with cash, cheque, or money order. Credit cards and debit cards are only accepted online.

NOTE: If your application is received by DELG with any of the above information missing, the application will not be formally accepted until all required information is provided. You will be advised that your application is on hold and will not be reviewed any further until all the missing information has been received.

LEGISLATIVE REQUIREMENTS

Please note that this document is not a substitute for the *Clean Water Act* or the *Watercourse and Wetland Alteration Regulation*, NB Reg 90-80. In addition, other agencies such as other provincial departments, the federal government, and local governments, may have requirements not addressed or included in this operational practice. This document may be reviewed and updated periodically as deemed appropriate by DELG.

INQUIRIES

For further information regarding the Watercourse and Wetland Alteration Program, please contact the Source and Surface Water Management Branch of the Department of Environment and Local Government at wawa@gnb.ca or 506-457-4850.