

This Act is current to October 16, 2019

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

RIPARIAN AREAS PROTECTION ACT

[SBC 1997] CHAPTER 21

Assented to July 28, 1997

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Definition

- 1** In this Act, "**local government**" means
- (a) the council of a municipality,
 - (b) the board of a regional district, and
 - (c) a local trust committee as defined in section 1 of the [Islands Trust Act](#).

Repealed

- 2-4** [Repealed 2014-15-163.]

Not in force. Repealed

- 5** [Not in force. Repealed 2014-15-163.]

Repealed

- 6-7** [Repealed 2014-15-163.]

Not in force. Repealed

8 [Not in force. Repealed 2014-15-163.]

Repealed

9 [Repealed 2014-15-163.]

Not in force. Repealed

10-11 [Not in force. Repealed 2014-15-163.]

Provincial directives on streamside protection

- 12** (1) Subject to subsection (2), the Lieutenant Governor in Council may, by regulation, establish directives regarding the protection and enhancement of riparian areas that the Lieutenant Governor in Council considers may be subject to residential, commercial or industrial development.
- (2) Directives under subsection (1) may only be established after consultation by the minister with representatives of the Union of British Columbia Municipalities.
- (3) Directives under subsection (1) may be different for different parts of British Columbia and in relation to different local government powers and different circumstances as established by the directives.
- (4) If a directive under subsection (1) applies, a local government must
- (a) include in its zoning and land use bylaws riparian area protection provisions in accordance with the directive, or
 - (b) ensure that its bylaws and permits under Part 14 of the *Local Government Act* or Part XXVII of the *Vancouver Charter*, as applicable, provide a level of protection that, in the opinion of the local government, is comparable to or exceeds that established by the directive.
- (5) For the purpose of transition, a directive under subsection (1) may establish a time period during which a local government to which the directive applies must review and, if necessary, amend its bylaws in order that they meet the requirements of subsection (4) by the end of the period.
- (6) On request by a local government, the minister may extend a time period under subsection (5).

Regulation-making authority

- 13** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting the directives established under section 12, including, without limitation, the following regulations:
- (a) providing that a local government must not approve or allow a residential, commercial or industrial development to proceed in an

area wholly or partially within all or a prescribed portion of a riparian area unless the prescribed requirements are met;

- (b) providing that a prescribed requirement referred to in paragraph (a) may include either or both of the following:
 - (i) that the government of British Columbia or Canada has been notified of the development and provided with studies, assessments, reports or opinions regarding the impact of the proposed development on the natural features, functions and conditions that support fish life processes in the riparian area;
 - (ii) that any serious harm to fish, as described in section 2 (2) of the *Fisheries Act* (Canada), that results from the proposed development is authorized under that Act;
- (c) requiring a local government to impose as a condition of an approval of a development that the developer comply with any measures recommended in a report or opinion of a person with prescribed qualifications;
- (d) requiring the engagement of a person with prescribed qualifications to perform studies and assessments, make reports and provide opinions in relation to a prescribed requirement referred to in paragraph (a);
- (e) establishing criteria for the studies, assessments including methods of assessment, reports and opinions referred to in paragraph (d);
- (f) authorizing a prescribed person, on application in a particular case, to vary criteria established under paragraph (e) on prescribed conditions or in prescribed circumstances;
- (g) requiring a local government to cooperate in developing strategies with the government of British Columbia or Canada in relation to
 - (i) monitoring and reporting on the effect of developments on riparian areas,
 - (ii) public education respecting protection of riparian areas, and
 - (iii) implementation and compliance with recommendations in a report or opinion of a person with prescribed qualifications;
- (h) defining words or phrases used but not defined in this Act.

Consequential Amendments

[Note: See Table of Legislative Changes for the status of sections 14 to 35.]

Section(s)	Affected Act
14-16	<i>Waste Management Act</i>
17-24	<i>Water Act</i>
25-35	<i>Wildlife Act</i>

Not in force. Repealed

Commencement

- 37** (1) Section 4 is deemed to have come into force on May 15, 1997, being the date this Act received First Reading in the Legislative Assembly, and is retroactive to the extent necessary to give it effect on and after that date.
- (2) This Act, except section 4, comes into force by regulation of the Lieutenant Governor in Council.