



District of
North Saanich

STAFF REPORT

To: Tim Tanton
Chief Administrative Officer

Date: August 10, 2020

From: Eymond Toupin
Director of Infrastructure Services

File:

Re: **Noise Bylaw Abeyance for Scoter Trail Rehabilitation Works**

RECOMMENDATION(S):

That Council approve abeyance to the Noise Bylaw (No. 1383) from August 18th to September 30th, 2020 to allow construction work on the Scoter Trail Rehabilitation Project by Draycor Construction Ltd.:

- 1) Weekdays from 3:00am to 7:00pm; and
- 2) Saturdays from 5:00am to 4:00pm; and
- 3) Sunday August 30th, September 13th, and September 27th with work hours of 5:00am to 4:00pm.

STRATEGIC PLAN IMPLICATIONS:

This matter relates to the following Council strategic priorities:

Protect and Enhance Rural, Agricultural, Heritage, Marine and Environmental Resources

Maintain a Safe and Healthy Community

Maintain a Strong Sense of Community

DISCUSSION:

Rehabilitation works for the Scoter Trail were awarded to Draycor Construction Ltd. in the spring of 2020. A large portion of the works take place below the waterline and these works may only occur during the fisheries window of July 1st to September 30th, 2020. Start of construction works was delayed as the Archeological Permit was not issued until July 27th, 2020 which further reduced the available window. The timing of the construction activities is also constrained by the tides; the majority of the work must be completed when tides are below approximately 2.0m.

In order to complete the works within fisheries window and to make efficient use of the low tides, it would be beneficial for the contractor to be allowed to work outside hours permitted by the Noise Bylaw (No. 1383) which prohibits noise from construction activities except between the hours of:

- a) Monday to Friday inclusive between the hours of 7:00am and 7:00pm of each day except where the day is a statutory holiday within British Columbia; and
- b) Saturday between the hours of 8:00am and 4:00pm.

There are no provisions in the bylaw for staff to grant exemptions to these prohibitions.

During the months of August and September, there are a number of low tide periods in the early morning prior to the permitted start times of 7:00am on weekdays and 8:00am on Saturdays. Staff recommends allowing the contractor to start at 3:00am on weekdays and 5:00am on Saturdays to take advantage of these low tide periods. The 3:00am start would be beneficial the weeks of August 24th, September 7th, and September 21st.

Staff also recommend allowing work on the following select Sundays from 5:00am to 4:00pm where low tide periods are anticipated to be favorable:

August 30th
September 13th
September 27th

If abeyance to the Noise Bylaw is not granted the contractor will not be able to make optimal use of the available low tide periods and there is a risk the required works will not be completed during the available fisheries window. This could result in works being extended into 2021 and could incur additional costs to the District due to the delays.

OPTIONS:

Council can:

- 1) Receive this report for information.
- 2) Approve abeyance to the Noise Bylaw (No. 1383) from August 18th to September 30th, 2020 to allow construction work on the Scoter Trail Rehabilitation Project by Draycor Construction on:
 - i) Weekdays from 3:00am to 7:00pm; and
 - ii) Saturdays from 5:00am to 4:00pm; and
 - iii) Sunday August 30th, September 13th, and September 27th with work hours of 5:00am to 4:00pm.
- 3) Other.

FINANCIAL IMPLICATIONS:

There is a risk the contractor may not be able to complete the works during the available fisheries window. This could result in the work being extended into 2021 which could incur additional costs to the District.

LEGAL IMPLICATIONS:

None anticipated.

CONSULTATIONS:

None.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Planning and Community Services, Bylaw Officers and RCMP will be made aware of any abeyances to the Noise Bylaw approved by Council.

SUMMARY/CONCLUSION:

In order to complete the Scoter Trail Rehabilitation Works within fisheries window and to make efficient use of the low tides, it would be beneficial for the contractor (Draycor Construction Ltd.) to be allowed to work outside hours permitted by the Noise Bylaw (No. 1383). Staff respectfully submit the following recommendation.

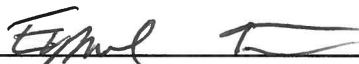
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- 2) Saturdays from 5:00am to 4:00pm; and
- 3) Sunday August 30th, September 13th, and September 27th with work hours of 5:00am to 4:00pm.

Respectfully submitted,

Concurrence,



Eymond Toupin
Director of Infrastructure Services



Tim Tanton
Chief Administrative Officer