



## Committee of the Whole Report For the Meeting of May 27, 2021

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**To:** Council **Date:** May 20, 2021  
**From:** Thomas Soulliere, Director of Parks, Recreation and Facilities  
**Subject:** Banfield Park Dock Expansion and Gorge Waterway Park

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### RECOMMENDATION

That Council direct staff to:

1. Prepare amendments to the Gorge Waterway Park Zoning Regulation Bylaw in order to facilitate the expansion of the Banfield Park swimming dock;
2. Waive the requirement for pre-submission Community Association Land Use Committee consultation; and
3. Direct staff to initiate development of the Gorge Waterway Park Management Plan, with input from representatives of the Gorge Swim Fest Society.

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on the Banfield Park dock expansion project and planning for Gorge Waterway Park.

Council approved an expansion to the Banfield Park swim dock as part of the 2021 Financial Plan and directed staff to work towards completing the project this summer. As staff have progressed with the planning process, two specific critical path actions were identified, which must be addressed to successfully deliver this project.

First, the City must address an issue of compliance with the *Gorge Waterway Park District Zoning Bylaw*, which prohibits the “construction of docks or wharfs” in the zone. As outlined below, staff recommend an amendment to allow the Banfield Park dock construction to proceed as quickly as possible.

Second, the City must comply with the federal regulations, under the *Fisheries Act* and the *Species at Risk Act*, through a permit for construction within the marine environment. These permits allow interventions to occur annually between July and October.

Pending Council support for the recommendations in this report, staff will continue to advance the necessary technical design and analysis for this community amenity over the coming months. The current target is to complete this project in the fall of this year.

An additional component of this report relates to the development of a marine park management plan for Gorge Waterway Park, as required in the City's license of occupation with the Province. The City has not yet initiated this work; however, staff have identified an opportunity to commence the development of this plan, in coordination with another initiative noted as a priority item in 2020.

Last year, Council directed staff to collaborate with a group of community stakeholders who authored a report, *Collaborative to Improve Access to the Gorge Waterway*, on potential park improvements along the waterfront. Pending Council approval, staff will proceed with the development of the park management plan for Gorge Waterway Park later this year, with input from residents as represented by the Gorge Swim Fest Society, on potential enhancements to the recreational and environmental features of the City's first marine park.

## **PURPOSE**

The purpose of this report is to provide Council with an update on the Banfield Park dock expansion project and planning for Gorge Waterway Park.

## **BACKGROUND**

Gorge Waterway Park (GWP) is located adjacent to Banfield Park, at the north end of Victoria harbour. A license of occupation for this area was granted to the City by the Province in 2014. This occupancy provides the City with the authority to regulate the use of the land, including land covered by water, which it has done through the adoption of a site-specific zone for GWP (Attachment A).

The Banfield Park swim dock is within GWP, at the northwest area of Banfield Park, connected to the shoreline by a gangway. The dock has been a popular destination for local swimmers and paddlers for more than twenty years. This amenity, along with the new floating swim platform that was recently donated to the City, contribute to the park's popular use as a marine recreation destination.

Council has approved a budget of \$95,000 for the Banfield Park dock expansion that will increase access by roughly doubling the size of this facility. The scope of this work is limited to the swim dock and does not include improvements to the foreshore or adjacent beach, which will be undertaken as part of a future park improvement initiative for this greenspace.

In 2019, Council approved a *My Great Neighborhood Grant* that provided funding to a community group for the development of a report on improving recreational access to the Gorge Waterway. The community collaborative was led by the Gorge Swim Fest Society (GSFS). The study evaluated twenty-one public access points along the Gorge Waterway to identify sites with the potential to improve public access to the water; the Banfield Park dock and adjacent beach rank at the top of

that list. The report, which has previously been shared with Council, is enclosed for reference (Attachment B).

## ISSUES & ANALYSIS

In recent months, the City has completed several technical studies to inform project plans for the Banfield Park dock expansion and other related initiatives in the Gorge Waterway. The summary below provides an overview of the assessments completed to-date and their key findings.

Construction in the aquatic environment and intertidal zone is complex and subject to federal, provincial, and municipal regulations, and requires marine-specific technical analysis. One key consideration identified by the City was the potential impact of expanding the swimming dock on marine ecology. To investigate this risk, the City commissioned Golder Associates Inc who completed an Aquatic Effects Assessment (AEA). This study reviewed the potential adverse consequences and recommended measures to mitigate such impacts. The consultant concluded that, with proper mitigation measures, the expansion of the existing dock and placement of proposed swim buoy anchors are unlikely to negatively impact the marine habitat.

The Department of Fisheries and Oceans (DFO) is responsible for protecting the marine environment, in accordance with relevant provisions under the *Fisheries Act* and the *Species at Risk Act*. Prior to commencing construction in the Gorge Waterway, the City must apply to the DFO for permission. The documentation for this permit application will include mitigation plans outlined in the AEA. The project schedule currently anticipates a review time of two to three months in duration, and a construction period that aligns with the annual timeframe when such work is allowed by the federal government (July 1 to October 1).

The safety of swimming infrastructure is another important factor for this project. The City retained the Lifesaving Society to undertake a safety audit of the existing dock and swim area next to Banfield Park. Following their assessment, the Lifesaving Society recommended improvements, such as additional signage, the installation of lifesaving equipment, and new swim marker buoys to demarcate the recreational swim area adjacent to the dock. All these safety measures have been added to the scope of work for the project.

Prior to proceeding with construction, the City must address compliance with the *Gorge Waterway Park District Zoning Bylaw*, which prohibits the “construction of docks or wharfs” in the zone. The dock pre-dates the Zoning Bylaw and is therefore compliant. However, alterations to the dock are not currently permitted under the bylaw.

To allow the dock expansion, the City must amend the Zoning Regulation Bylaw. Given the urgency that Council has expressed relative to the project, staff have included a recommendation which would expedite this process by waiving the requirement for the pre-submission Community Association Land Use Committee (CALUC) consultation phase. Based on this approach, staff have developed a work plan to complete the swim dock expansion project as efficiently as possible. The project timeline is outlined below.

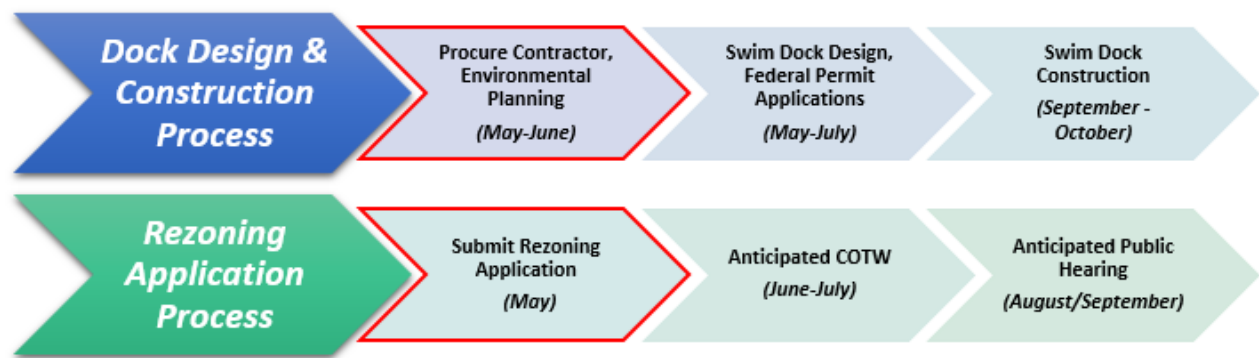


Figure 1: Project timeline for major work activities.

As outlined in the City's license of occupation with the Province, the City will develop a park management plan for the GWP, in part, to regulate areas for motorized vessels and anchoring. Staff have identified the potential for achieving efficiencies with the required public engagement through a process that combines this effort with previous Council direction to engage the Gorge Swim Fest Society on other opportunities for enhancing access to the Waterway. The Gorge Swim Fest Society, a well-established community organization, includes representatives who may provide valuable input on key elements of the management plan for the City's first marine park. As noted in their 2019 report, the Society has demonstrated an understanding of the recreational and environmental opportunities and considerations of the Waterway for residents and other stakeholders.

Staff recommend the development of the park management plan, to commence later this year, includes collaboration with representatives of the Gorge Swim Fest Society, as well as other impacted stakeholders.

## OPTIONS & IMPACTS

### OPTION 1 (Recommended)

**Prepare amendments to the Gorge Waterway Park Zoning Regulation Bylaw and waive the requirement for pre-submission Community Association Land Use Committee consultation, to facilitate the expansion of the Banfield Park swimming dock, and initiate development of the *Gorge Waterway Park Management Plan*, with input from representatives of the Gorge Swim Fest Society.**

To allow the dock expansion, the City must amend the Zoning Regulation Bylaw. To expedite this process, Council may waive the requirement for the pre-submission Community Association Land Use Committee (CALUC) consultation process. This option would still allow for public input through first, second and third readings, as well as through a public hearing.

Staff also recommend that Council approve the development of the park management plan with input from the Gorge Swim Fest Society and other key stakeholders, starting this year.

### OPTION 2

**Prepare amendments to the Gorge Waterway Park Zoning Regulation Bylaw and follow the standard rezoning process, to facilitate the expansion of the Banfield Park swimming dock, and initiate development of the *Gorge Waterway Park Management Plan*, with input from representatives of the Gorge Swim Fest Society.**

Council may wish to proceed with the standard rezoning application process which includes pre-submission to the CALUC. This option increases the schedule risk that dock construction would be pushed to next year if the federal permit timeframe is missed (July 1 – Oct 1).

#### *Accessibility Impact Statement*

The expanded dock will improve the existing condition, with twice the space for circulation and access to the water. However, the adjacent pathway connections and gangway connecting the dock to the foreshore do not meet recommended accessible design specifications. These factors present a barrier for some individuals including those using mobility devices.

Staff have confirmed that access routes to the shoreline and dock from other areas of the park are not currently designed for maximum accessibility and will require substantial investment to meet the City's new design expectations. Therefore, the modifications required to achieve universal access within Banfield Park are recommended to be included as part of a future park improvement planning project for this greenspace.

Staff have also noted that evaluation of barrier-free access points along the Gorge Waterway will be included in the scope of the Gorge Waterway Management Plan.

#### *Impacts to Financial Plan*

A budget of \$95,000 has been approved in the 2021 Financial Plan for the Banfield Park dock expansion. No additional costs are anticipated for this project. The development of the park management plan will be initiated by staff using existing resources, as time permits. Therefore, no further financial implications are anticipated.

### **CONCLUSIONS**

The expansion of the Banfield Park swim dock will result in enhanced access for citizens to this popular recreation area. The new asset will also improve the overall safety of swimmers and visitors. The Gorge Waterway remains one of the city's valued community amenities and the future park management plan will help to clarify the City's role in the preservation of this marine space.

Respectfully submitted,

Thomas Soulliere  
Director

Derrick Newman  
Assistant Director  
Construction and Facilities Management

**Report accepted and recommended by the City Manager.**

#### **List of Attachments**

Attachment A – Gorge Waterway Park District Zoning Bylaw

Attachment B – Collaborative to Improve Access to the Gorge Waterway (2019)