

Directive
Provincial and Community Planning Branch
Department of Environment and Local Government

Number 2016-01

Subject: Privately owned wharves in the unincorporated areas of New Brunswick

Purpose: The Minister of Environment and Local Government is responsible for the provision of land use planning services in the unincorporated areas of the Province. This responsibility is conveyed to Regional Service Commissions via the *Regional Service Delivery Act*, whereby Section 4(2)(b) states that a Regional Service Commission (RSC) shall provide or facilitate the provision to all its members that are local service districts, a land use planning service. The *Provincial Building Regulation 2002-45 under the Community Planning Act* references the National Building Code of Canada and the regulation applies in the unincorporated areas of the Province. Section 8(1)(f) of the regulation states that an application shall contain such other information as the development officer or building inspector may require for the purpose of determining compliance with this Regulation. The NBC 2010 states that the Code applies to the design, construction, and occupancy of all new buildings, and the alteration, reconstruction, demolition, removal, relocation and occupancy of all existing buildings. NBC 2010 also states in Division B section 4.2 that subsurface investigations shall be carried out by or under the direction of a professional engineer having knowledge and experience in planning and executing such investigations to a degree appropriate for the building and its use, the ground and the surrounding site conditions.

Directive: Building inspection and building permits on privately owned wharves.

The Department of Environment and Local Government requires that Regional Service Commissions issue building permits as required on private wharves and inspect against such permits for conformity to the NBC. RSC staff should take appropriate measures to ensure that any construction, alteration or demolition requiring a building permit on a privately owned wharf in the unincorporated area of the Province meet the NBC. Verification needs to be done by a person(s) holding a valid membership with the Association of Engineers and Geoscientists of New Brunswick. The *Provincial Building Regulation 2002-45 – Community Planning Act* applies in the unincorporated area of the Province. The National Building Code of

Canada (NBC) is adopted by reference for the purpose of prescribing standards for the building, locating, relocating, demolishing, altering, structurally altering, repairing, or replacing of a building or structure. The NBC defines building as any structure used or intended for supporting or sheltering any use or occupancy.

Please note that schedule A of the *Environmental Impact Assessment (EIA) Regulation* requires new harbours, ports and wharves and modifications to existing facilities be registered under EIA. The Department of Energy and Resource Development must be consulted on applicability of their Submerged Crown Land Policy CLM 014 2004 prior to issuing any building permit to ensure consistency with the existing policy.

Effective Date: July 1, 2016