

REPORT

Planning and Development

To: Mayor Johnstone and Members of Council
Date: February 24, 2025

From: Jackie Teed,
Director, Planning and Development
File: #2654704
Item #: 2025-62

Subject: Proposed Delegation of Select Construction Noise Bylaw Exemption Requests

RECOMMENDATION

THAT Council direct staff to:

- 1. Prepare and bring forward for Council consideration the necessary bylaw to amend Construction Noise Bylaw No. 6063, 1992, as outlined in the Discussion section of the February 24, 2025 report titled "Proposed Delegation of Select Construction Noise Bylaw Exemption Requests," that would delegate to staff only requests for exemptions from Metro Vancouver and TransLink.*
 - 2. Prepare and bring forward for Council endorsement a Council policy, to guide delegated approvals, including a system to notify Council of approved senior government agency applications, at their issuance.*
 - 3. Develop an on-line application for construction noise exemption requests, as part of the Planning and Development Department's ongoing e-permitting project.*
-

PURPOSE

The purpose of this report is to request Council direction to: 1) delegate to staff construction noise bylaw exemption requests from senior government agencies; 2) develop a Council policy to guide those approvals, including additional limits to exemptions on weekends/holidays, and a process to inform Council of approved exemptions; 3) implement an on-line application for all construction noise exemption

requests, toward improving customer service and reducing Council time and staff resources on senior government agency exemption requests, 100% of which have been approved by Council in the past five years.

SUMMARY

Currently, all construction noise exemption requests are reviewed by staff, and forwarded to Council for consideration of approval. An analysis of past approvals indicate the majority of requests come from senior government agencies, which require work to be performed during non-permitted hours to minimize disruptions to public services.

A municipal comparison found that New Westminster is an outlier in not offering the following:

- delegated approval of requests (most);
- no appeal process (except Richmond which allows appeals to Council); and
- an on-line application system to receive requests (most).

Given the above, staff recommend delegating approvals to staff requests received from Metro Vancouver and TransLink, and developing an on-line application as part of the department's ongoing e-permitting project. Exemption requests from private development and other external agencies (e.g. Royal Columbian Hospital, BC Courthouse) would continue to be referred to Council. These measures aim to enhance customer service while reducing the demand on Council and staff resources, particularly given that 100% of such applications have been approved over the past five years.

BACKGROUND

Authority to Regulate

Construction Noise Bylaw No. 6063, 1992 permits construction noise between 7:00 AM and 8:00 PM on weekdays and between 9:00 a.m. and 6:00 p.m. on Saturdays, with no such noise permitted Sundays or other holidays. Section 10 of the bylaw states "Council, may by resolution, extend the Permitted Hours for the carrying out of Construction if it would be impractical or impossible to carry out the Construction during the Permitted Hours".

Senior government agencies as well a private development companies are the primary requestors for exemptions to the bylaw. Organizations such as Translink and Metro Vancouver generally have to follow the City's construction noise bylaw. While provincial and federal entities may or may not technically be subject to the bylaw depending on the context, the City generally receives applications from all such organizations wishing to carry out construction outside of permitted hours in New Westminster.

Current Process

Currently all requests for construction noise exemptions are required to include a compelling reason for needing to perform the work outside of permitted hours, as well as detailed information regarding the project, the duration, the equipment, and the expected disruptions. Attachment A provides a sample of the information collected by staff.

Although all applicants have a right to have their request brought to Council, staff considers only those requests with a compelling reason to create construction noise outside of permitted hours to be reasonable, and will only recommend Council approval in such cases. Applicants without a compelling reason are strongly encouraged to proceed within the permitted hours. Staff has generally been successful in this regard, and such applicants often find alternative times and methods to complete their project within permitted hours and compliant with the Bylaw.

Examples of construction work that is required to be performed outside of permitted hours include work:

- to maintain or upgrade skytrain guideways. This work must occur during non-operational hours. Shutting down skytrain to perform the work during permitted hours would disrupt hundreds of thousands of commuters.
- to maintain or upgrade sewer lines. This work often requires there to be low flow in the lines and that is during hours when most residents are sleeping.
- to complete a large concrete pour. The nature of concrete pours is that once started, it must be completed and not deferred to another day. The time to complete a large pour may exceed permitted hours.
- that will impact traffic flow and disrupt a greater number of commuters during permitted hours than residents outside of permitted hours.

Council Feedback

At the January 27, 2025 Regular Meeting of Council, feedback was provided in relation to a construction noise request that indicated an interest in not permitting construction noise during weekends/holidays for any reason, to ensure the public has measure of consistency regarding when construction noise may take place Saturday, Sunday and statutory holidays.

ANALYSIS

Council Approvals

As a result of staff working closely with applicants upon receiving an exemption request: 1) only those requests with compelling reasons to create noise outside of permitted hours are brought forward for Council consideration; and, 2) all requests brought

forward to Council have been approved, as illustrated in the tables below, and summarized here:

- In 2024, Council approved 100% of construction noise exemption requests (23 of 23 applications referred to Council).
- Of the 2024 approved applications, 83% were for senior government agencies (Metro Vancouver, TransLink, Royal Columbian Hospital, BC Courthouse).
- In the five year period between 2020 and 2024 (inclusive) Council approved 100% of construction noise exemption requests (77 of 77 applications referred to Council).
- Of the 2020-2024 approved requests, 75% were for the same senior government agencies.
- In 2024, only 17% of the requests approved were for private development, and only 25% over the five year period.

2024 Requestors	Exemption Requests forwarded to Council	Exemptions Approved	Percentage of Total Exemptions Requested
Metrovan	10	10	44%
Translink	5	5	22%
RCH	3	3	13%
Courthouse	1	1	4%
Private Developers	4	4	17%
Total	23	23	100%

Requestors (Jan 2020 – Dec 2024)	Exemption Requests forwarded to Council	Exemptions Approved	Percentage of Total Exemptions Requested
Metrovan	30	30	39%
Translink	15	15	19%
RCH	10	10	13%
Courthouse	3	3	4%
Private Developers	19	19	25%
Total	77	77	100%

Municipal Scan

Staff conducted a survey of six neighbouring municipalities to understand how construction noise exemption requests were processed in the region. The results of the survey are summarized below and included in Attachment B.

Most of the municipalities canvassed are similar to New Westminster in permitted hours for construction noise (Surrey is the exception permitting construction noise until 10 PM Monday to Saturday), and in having a mechanism for granting exemptions to permitted hours. There is wide variation on fees, length of processing time, and the specific department or staff position responsible for processing the request.

Unlike New Westminster, the municipalities canvassed offered:

- Delegated approval of exemption requests (most);
- No appeal process (except Richmond which allows appeals to Council);
- An on-line application system to receive exemption requests (most);
- In Richmond, exemption for certain authorities (e.g. School Board and Metro Vancouver), though they are still required to complete an application, ensuring the City is aware of the activities and possible noise disruptions.

DISCUSSION

Given the information provided in this report, staff recommends the following:

1. All construction noise applications for Metro Vancouver and TransLink be delegated to staff, with the option for staff to forward to Council where rejection may be warranted;
2. Staff develop a policy for Council endorsement, that outlines approval requirements for senior government agency applicants, including but not limited to – public notification, and restriction of exemptions to weekdays (i.e. no weekend/statutory holiday exemptions) consistent with recent Council feedback;
3. A system be developed to notify Council of approved senior government agency construction noise exemption applications, at their issuance;
4. All other construction noise exemption applications continue to be referred to Council for approval; and,
5. An on-line application system be developed as part of the Planning and Development Department's ongoing e-permitting project.

Staff recommends these changes to increase customer service by reducing approval timelines, and reduce required Council time and staff resources on reviewing and approving exemption requests for senior government agencies, 100% of whose requests have been approved by Council in the past five years.

NEXT STEPS

Should Council direct staff to proceed with these changes, staff would prepare an amendment bylaw, and would develop a companion Council policy to guide delegated approvals. These would be anticipated to be brought for Council consideration prior to the summer break.

FINANCIAL IMPLICATIONS

Work to amend development-related regulations are generally undertaken by external legal counsel, and it is estimated that this work would cost in the order of \$4500, which would be accommodated within the department’s annual budget.

OPTIONS

There are three options for Council to consider:

THAT Council direct staff to:

- 1. Prepare and bring forward for Council consideration the necessary bylaw to amend Construction Noise Bylaw No. 6063, 1992, as outlined in the Discussion section of the February 24, 2025 report titled “Proposed Delegation of Select Construction Noise Bylaw Exemption Requests,” that would delegate to staff only requests for exemptions from Metro Vancouver and TransLink.
- 2. Prepare and bring forward for Council endorsement a Council policy, to guide delegated approvals, including a system to notify Council of approved senior government agency applications, at their issuance.
- 3. Develop an on-line application for construction noise exemption requests, as part of the Planning and Development Department’s ongoing e-permitting project.
- 4. Provide staff with alternative direction.

Staff recommend Options 1, 2, and 3.

ATTACHMENTS

- Appendix A: Information Required for Requests
- Appendix B: Survey of Municipalities

APPROVALS

This report was prepared by:
Jason Khuu, Property Use Coordinator, Integrated Services
Kim Deighton, Manager, Integrated Services

This report was approved by:
Jackie Teed, Director, Planning and Development
Lisa Spitale, Chief Administration Officer