

Attachment 5 Conditions of Approval

The following conditions of approval apply to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500.441, 2023”:

1. Prior to construction and land alteration, all required *Heritage Conservation Act* approvals must be obtained.
2. Prior to construction, as part of the French Creek Pollution Control Expansion planning process, the applicant shall undertake a land use and site planning exercise and prepare a plan for Board approval which addresses the following objectives:
 - a. Ensure that the site can accommodate the future expansion needs of FCPC.
 - b. Identify the location and design of a multi-use trail providing a connection from the existing trail located in French Creek Community Park to the Island Highway.
 - c. Preserve and protect the riparian zone adjacent to French Creek.
 - d. Identify opportunities for public use and enjoyment of the property in a way which does not impede the future expansion and operation of the FCPC.
3. Prior to any site preparation or construction activities, the applicant shall prepare an Environmental Management plan to address the specific construction equipment and methods and timing of works.
4. The lands shall be developed in accordance with the Construction Environmental Impact Study (CEIS) prepared by AECOM, dated February 2021.
5. The lands shall be developed in accordance with the Environmental Investigation prepared by D. R. Clough Consulting, dated September 2021.
6. Prior to any site preparation or construction activities, identify on site plans and in the field all building and infrastructure footprint boundaries, sensitive areas, and known habitat features and identify these features. These features shall be identified in the field with flagging and/or signage indicating ‘No Work Area’ or similar marcation to reduce the possibility of causing unnecessary disturbance to surrounding ecosystems.
7. Throughout construction and particularly during works near Morningstar Creek, the applicant shall ensure that environmental monitoring and reporting is conducted to confirm that environmental protection measures are being applied and effective. If they are not effective, the monitor will work with the contractor to modify protection measures until they are. The environmental monitor will be an appropriately qualified professional and will have the authority to stop construction if there is any contravention of environmental protection guidelines or regulations (i.e., impact to fish habitat) or if there is imminent threat of environmental damage. This is particularly important around the riparian areas of Morningstar Creek.