

June 25, 2024
211129

Planning Services

City of Greater Sudbury
Tom Davies Square
200 Brady Street
Sudbury
Ontario. P3A 5P3

Re: Application for Rezoning – 0 Wanup Pit Road Proposal

Dear Planning Services,

TULLOCH is retained by the owner of PIN 734790002 in Sudbury to coordinate the submission of an application for rezoning over the property legally described as follows:

PCL 3506 SEC SES; N 1/2 LT 3 CON 4 DILL EXCEPT LT19405; GREATER SUDBURY

The application proposes to rezone the lands from “RU”, Rural to “M5”, Extractive Industrial to facilitate the development of a new Class A license, Pit and Quarry above the groundwater table.

The proposed licensed area is approximately 29.1 hectares, and the proposed extraction area will be 18.8 hectares. The annual tonnage per the Class A Licence will permit the removal of over 20,000 tonnes of aggregate material per year. Access to the operation will be provided through the abutting Aggregate Licence 3833 to Wanup Pit Road

As the regulation and approval of aggregate operations is the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF) through the *Aggregate Resources Act*, a formal application will be submitted to the MNRF.

PLANNING RATIONALE

2020 Provincial Policy Statement

Per the 2020 PPS, the proposed area to be extracted contains a viable aggregate deposit which can be extracted in a manner that avoids and mitigates impacts on any natural heritage features water resources, or incompatible land uses. The application represents the optimization of the long-term

availability of mineral aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered and/or separated to prevent or mitigate adverse effects.

From a land use perspective, the proposed aggregate operation:

- Represents an efficient use of existing infrastructure by not requiring the expansion of municipal infrastructure (1.1.5.5, 1.6.7.1, 1.6.7.2, 1.7.1a);
- Enhances long-term economic prosperity by providing employment and economic development opportunities in an area appropriate for aggregate extraction (1.7.1a,c).
- Optimizes the long-term availability of aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered, and separated to prevent adverse effects (1.2.6.1);
- Represents the wise use and management of resources and provides for economic benefits including supporting jobs and future infrastructure needs (2.0);
- Recommendations from the Natural Environmental Report will allow the project and its extraction to proceed in a manner that is compliant with the Endangered Species Act, Fisheries Act, and Migratory Birds Convention Act and no further on-site studies are necessary (2.1.5, 2.1.6);
- No fish habitats, significant wetlands, significant coastal wetlands, significant woodlands, significant valleylands, significant areas of natural and scientific interest are located within the extraction area (2.1.5) and adjacent features will have no negative impacts (2.1.8);
- Mitigates compatibility concerns and minimizes social impacts given that extraction is currently not proposed where sensitive receptors are within 500.0 metres (2.5.2.2);
- Is not located within a prime agricultural area and is not suitable for such (2.4.4.1);

City of Greater Sudbury Official Plan

The lands are designated Aggregate Reserve in the City's Official Plan. Section 4.6.2.1 states that the primary use of lands designated as Aggregate Reserve will be pit and quarry operations in addition to other uses that do not preclude the possibility of future expansion and extraction.

Section 4.6.2.6 Official Plan states that:

- 4.6.2.6** *In considering an amendment to the Zoning By-law to permit new mineral aggregate operations or expansions of existing operations, the following information will be reviewed:*
- a. the location, nature, extent and economic potential of the mineral deposit;*
 - b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on:*
 - i. natural heritage features, including significant geologic formations on the site and in the area;*
 - ii. agricultural resources and activities;*
 - iii. the character of the area;*
 - iv. the groundwater recharge functions on the site and in the immediate area;*

- v. cultural heritage resources in the area through an archaeological assessment and/or a cultural heritage impact assessment;
- vi. surface water features in the area; and,
- vii. nearby wells used for drinking water purposes.

- c. the capability of the existing road network to service the proposed location;
- d. the effect of the noise, odour, dust and vibration generated by the use and the use of haul routes on adjacent land uses; and,
- e. how the impacts of the proposed pit or quarry will be mitigated to lessen the impacts.

4.6.2.8 *Landscaping and buffering will be used to enhance the physical appearance of lands and structures.*

This application conforms to the intent of the policies found in 4.6.2.1., 4.6.2.6 and 4.6.2.8, as outlined in *Table 1* below:

Table 1: Official Plan Conformity Planning Rationale

PLANNING CONSIDERATIONS	RATIONALE
<i>Location and Site Characteristics</i>	<ul style="list-style-type: none"> • The overall property is ± 64.3 hectares and therefore provides adequate area for the intended quarry/pit-related uses while allowing for appropriate setbacks/buffering. • The land contains a high-quality aggregate resource suitable for large-scale infrastructure projects, road building and construction projects for the local market. • The City and the Province intend to manage mineral and aggregate resources by protecting them for long-term use given that the aggregate industry generates economic effects on both primary industries and secondary industries.
<i>Land Use Compatibility</i>	<ul style="list-style-type: none"> • The impact on the surrounding land uses will be negligible given that the area is rural with little development, the application proposes significant setbacks and requirements of the ARA seek to limit and control any potential land conflicts through the provision of setbacks to sensitive receptors. • Uses surrounding the proposed lands include existing aggregate operations, vacant lands and open spaces, rural and rural residential uses

	<ul style="list-style-type: none"> • Aggregate extraction uses are an established use in the area. • The property will be appropriately buffered and separated from sensitive land uses per <i>Aggregate Resources Act</i> standards and OP policy. • The operations of the proposed extraction operation will remain above the established water table and no sensitive groundwater features, or surface water features are within the proposed extraction area. • Across the Site wetland setbacks range from 30-100.0-metres with a 60.0-metre buffer around the eastern wetland complexes and a 100.0-metre buffer around the southern wetland complexes as recommended in the Natural Environmental Report. Setback widths vary due to differences in wetland sensitivity and to maintain habitat connectivity among wetland units. • Whip-poor-will habitat was found to be present on site, should the SAR remain on the Endangered Species Act at the time of activity, permitting is required to be undertaken before commencement of any site activity. The status of Eastern Whip-poor-will is anticipated to be downgraded to a Species of Special Concern in early January 2025. • No agricultural resources and activities are on or abutting the subject lands. • No sensitive receptors are located within 500 metres of the proposed license.
<p><i>Access and Infrastructure</i></p>	<ul style="list-style-type: none"> • MTO has no concerns with the application. • Access will be provided via the existing abutting licence (#3833) • Given the high cost of transporting aggregate materials, locating aggregate operations near where the material will be used (close to population centres such as Sudbury) is vital.

City of Greater Sudbury Zoning By-law 2010-100z

The lands are proposed to be rezoned from 'RU-Rural' to 'M5-Extractive Industrial'. Permitted uses in the M5 zone include:

- Accessory Outdoor Storage Display and Sales
- Accessory Outdoor Storage
- Aggregate Transfer Site
- Agricultural Uses
- Forestry Use
- Pit
- Quarry

The proposed aggregate extraction operation will be developed by the requirements and provisions of the 'M5-Extractive Industrial' zone and given the overall large size of the property no site-specific reliefs are required to enable the development.

Given the analysis contained herein, the subject zoning by-law amendment is consistent with the 2020 PPS, conforms with the City of Greater Sudbury's Official Plan, and represents good planning.

We trust that this submission package will enable the City of Greater Sudbury to issue a notice of complete application.

This submission package includes the following:

- 2024 City of Greater Sudbury Application to Amend the Zoning By-Law;
- Natural Environmental Report (NER);
- Proposed Aggregate Resources Act Site Plans
 - Concept Plan;
 - Existing Conditions Plan;
 - Quarry Operational Plan; and
 - Rehabilitation Plan
- MTO Correspondence; and
- PC2022-016 Pre-Consultation Understanding
- Legal Property Description

For payment of this fee, please contact Chelsea Streich by calling 705-522-6303 Ext. 601, or by emailing chelsea.streich@tulloch.ca.

Respectfully submitted,



Vanessa Smith, M.Pl., RPP
Project Manager | Land Use Planner