



## **Planning Justification Report**

**Site:      Wavy Quarry 2, 1 Ceasar Road  
             City of Greater Sudbury, Ontario**

**Fisher Wavy Inc.**

*Attention: Ms. Vanessa Felix*

1 Ceasar Road  
Sudbury, ON P3E 5P3

February 17, 2025

Project Reference Number: 23008

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# 1 INTRODUCTION

Greenstone Engineering Ltd. (Greenstone) was commissioned by Fisher Wavy Inc. (Fisher Wavy) to prepare an Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBLA) Application for an approximately 100 hectare (ha) portion of 1 Ceasar Road in Sudbury, Ontario (Wavy Quarry 2) (Figures 1 and 2). The Wavy Quarry 2 consists of PIN 73599-005, and parts of PIN 73599-0596, and PIN 73599-0823. The purpose of the proposed OPA and ZBLA Applications are to permit Fisher Wavy to develop Wavy Quarry 2 immediately adjacent to the existing Wavy Quarry 1. When the aggregate source in Wavy Quarry 1 has been depleted, Wavy Quarry 2 will replace it. The approved annual tonnage for the two Wavy Quarries will remain at 500,000 tonnes, the currently approved volume for Wavy Quarry 1. If the OPA and ZBLA are approved, Fisher Wavy will apply to the Ontario Ministry of Natural Resources (OMNR) for an *Aggregate Resources Act* (ARA) Licence to develop the Wavy Quarry 2. Development of the Wavy Quarry 2 can not occur until the ARA Licence has been issued.

Fisher Wavy is requesting that the City of Greater Sudbury (CGS):

- a. Amend the Official Plan land use designation of a portion of the Wavy Quarry 2 lands from Mining/Mineral Reserve and Parks and Open Space to Heavy Industrial (Figures 3 and 4);
- b. Amend the Official Plan land use designation of a portion of the Wavy Quarry 2 lands from Heavy Industrial to Parks and Open Space to protect specific natural heritage features and areas (Figures 3, 4, 5 and 6);
- c. Rezone a portion of the Wavy Quarry 2 lands from Mining Industrial Zone (M4) and Open Space – Private (OSP) to M3(6) to match the zoning of the existing Wavy Quarry located in Lot 9, Concessions 1 and 2, McKim Township, referred to as Alexander Centre Industries in Zoning By-law 2010-100Z as amended (Figures 7 and 8).

The purpose of this Planning Justification Report (PJR) is to:

- a. Provide an overview of the Proposal and the effects of the planning applications,
- b. Evaluate the Proposal for conformity with the current local and provincial planning policies, and
- c. Confirm that the Proposal represents good planning.

The CGS requested the PJR in the Pre-Consultation Understanding Agreement PC2023-031 dated April 26, 2023, and agreed to by Fisher Wavy's representative, Vanessa Felix on May 1, 2023 (Appendix B).





The policies and documents reviewed as part of this PJR were the following:

- Planning Act, R.S.O. 1990, c. P13;
- Provincial Planning Statement, 2024;
- City of Greater Sudbury Official Plan; and
- City of Greater Sudbury By-Law No. 2015-30 Comprehensive Zoning By-Law;
- Conservation Authorities Act, R.S.O. 1990, c. C.27;
- Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits;
- Conservation Sudbury - Determination of Regulation Limits Reference Manual; and
- Direction on the Administration Of Ontario Regulation 156/06 – Wetlands.

## 2 SITE AREA CONTEXT

### 2.1 DESCRIPTION OF THE WAVY QUARRY 2

The Wavy Quarry 2 is part of 1 Ceasar Road, Sudbury, Ontario as shown in Figure 2. It will be in Lots 10 and 11, Concession 1, and Lot 11, Concession 2, McKim Township, immediately west and south of the existing Wavy Quarry. The Wavy Quarry 2 lands contain the following parcels:

1. PIN 73599-0005 (LT) described as PCL 53007 SEC SES SRO; PT LT 11 CON 1 MCKIM PT 3 53R16406; S/T LT11801, LT876488E; GREATER SUDBURY;
2. Part of PIN 73599-0596 (LT) described as PCL 34818 SEC SES SRO; LT 10 CON 1 MCKIM EXCEPT PT 1, 53R6929, PT 10 & 11, 53R7450; PT LT 10 CON 2 MCKIM PT 1 & 2, 53R5347, PT 1, 53R3828, PT 1, 53R2280; RESERVING A RIGHT OF WAY FOR THE CANADIAN PACIFIC RAILWAY; S/T LT11801, LT233584, LT381788; GREATER SUDBURY; and
3. Part of PIN 73599-0823 (LT) described as PT LT 11 CON 2 MCKIM SRO PT 1, 53R3831, PT 1 & 2, 53R16406; S/T RIGHT IN S114162; GREATER SUDBURY.

The Wavy Quarry 2 lands are irregularly shaped and have an approximate area of 100 ha. They are currently undeveloped. Access to the Wavy Quarry 2 will be from Ceasar Road through the existing Wavy Quarry. Ceasar Road is a private road across the Fisher Wavy property. It intersects with Kelly Lake Road (Figure 2).

The Wavy Quarry 2 and its neighbouring lands are in the Sudbury Community area of the CGS and just south of the community of Copper Cliff (City of Greater Sudbury, 2024). As shown on Schedule 1b, Land Use – Sudbury Community of the City of Greater Sudbury Official Plan (OP) (Figure 3), the Wavy Quarry 2 lands have multiple land use designations, including:



1. Parks and Open Space,
2. Heavy Industrial,
3. A Mining/Minerals Reserve Overlay, and
4. A Flood Plain Overlay.

Additionally, the southeastern part of the Wavy Quarry 2 is within the OP's South End policy area.

The current zoning of the Wavy Quarry 2 lands includes (Figure 7):

1. Mining Industrial (M4),
2. Open Space - Private (OSP), and
3. A Flood Plain Overlay.

There are environmental constraints on and adjacent to the Wavy Quarry 2 lands that will affect development. These have been identified in OP Schedule 2b South End Natural Assets, OP Schedule 5 Natural Heritage, OP Sections 8.0 Water Resources, and 9.0 Natural Heritage, Conservation Sudbury, and the Junction Creek Delta Wetland Characterization and Delineation prepared by Blue Heron Environmental (City of Greater Sudbury, 2024; Conservation Sudbury, 2023; Blue Heron Environmental, 2024). These include (Figure 5):

- a. An unevaluated wetland at the eastern end of Kelly Lake, referred to as the Junction Creek Delta Wetland (JCDW) in this document (Blue Heron Environmental, 2024). It is identified as a Natural Asset on OP Schedule 2b (City of Greater Sudbury, 2024).
- b. A flood plain that surrounds Kelly Lake, the JCDW, and Junction Creek. The Flooding Hazard limit is currently defined as 248.4 metres above sea level (masl) (CGVD28) + 15 m horizontal, shown in Schedule 6 of the OP (City of Greater Sudbury, 2024) (Figures 3 and 7).
- c. A small, isolated wetland along the western boundary of the Wavy Quarry 2 (Blue Heron Environmental, 2024).
- d. A small, isolated wetland located in the western part of the Wavy Quarry 2 (Blue Heron Environmental, 2024). This wetland is less than 0.5 ha, as a result, the area within 30 m of it is not regulated by Conservation Sudbury.
- e. Depressional bedrock-controlled areas were identified as wetlands by Conservation Sudbury and by the CGS. These areas were visited by Blue Heron Environmental in August 2024. They stated



that these depressional areas were either dried up or dominated by upland grasses and forbs. They are not considered wetlands.

- f. Streams and depressional areas identified using the CGS's digital terrain model data and topological data.

## 2.2 SURROUNDING LAND USES

The neighbouring lands within 500 m of the Wavy Quarry 2 include (Figures 2, 3, and 7):

- Immediately to the north and east is the existing Wavy Quarry, ARA Licence 3880; a 26.2 ha, Class A, Above Water, Pit and Quarry with a maximum annual tonnage of 500,000 tonnes (OMNRF, 2023b).
- To the north are railway lines, open space areas, Regional Road 55, and mining industrial lands (OMNRF, 2017; OMNRF, 2024c; City of Greater Sudbury, 2024).
- To the east are Junction Creek, the Junction Creek Delta Wetland, open space areas, undeveloped areas, and the City of Greater Sudbury's Biosolids Facility (Blue Heron Environmental, 2024; City of Greater Sudbury, 2024).
- To the south are Kelly Lake, Junction Creek, the Junction Creek Delta Wetland, Lucy Creek, Robinson Lake, the Robinson Lake Western Wetland, and flood plain areas, and undeveloped areas (Blue Heron Environmental, 2024; OMNRF, 2024a; OMNRF, 2024b; City of Greater Sudbury, 2024).
- To the west are open space areas, wetlands and mining industrial lands (City of Greater Sudbury, 2025; Google, 2024; OMNRF, 2017; OMNRF, 2024d).

The neighbouring lands are in the Sudbury Community area of the CGS as defined in the OP and just south of the community of Copper Cliff (City of Greater Sudbury, 2024). The neighbouring lands to the east of Kelly Lake are also within the South End policy area. They have a variety of OP land use designations (Figure 3) and zoning (Figure 7) including:

OP Designation	Zoning Code	Zone Name
Heavy Industrial	M3(6)	Heavy Industrial Special Zone (permits extractive industrial uses in addition to all other uses)
	M6	Disposal Industrial
	OSP	Open Space – Private
Parks and Open Space	FU	Future Development



OP Designation	Zoning Code	Zone Name
	M2	Light Industrial
	M3(6)	Heavy Industrial Special Zone
	M4	Mining Industrial
	M6	Disposal Industrial
	OSC	Open Space – Conservation
	OSP	Open Space – Private
	RU	Rural
Rural	M4	Mining Industrial
	OSP	Open Space – Private
General Industrial	FU	Future Development
Living Area I	FU	Future Development
	OSC	Open Space – Conservation
	OSP	Open Space – Private
Mining/Mineral Reserve Overlay	M3(6)	Heavy Industrial Special Zone
	M4	Mining Industrial
	OSC	Open Space – Conservation
	OSP	Open Space – Private

The lands around Kelly Lake, and Junction Creek have flooding hazards associated with them as shown on OP Schedule 6 - Natural Hazard Areas.

The Natural Assets on the neighbouring lands as show on OP Schedule 2b – South End Natural Assets include the Robinson Lake Outflow Wetland and the JCDW.

## 2.3 PLANNING APPLICATIONS ON SURROUNDING LANDS

Greenstone is not aware of any planning applications that would affect the lands surrounding the Site.

## 3 THE PROPOSAL

Fisher Wavy is proposing to develop the currently vacant Wavy Quarry 2 lands as an aggregate pit and quarry. The Wavy Quarry 2 lands are immediately adjacent to the existing Wavy Quarry 1. When the aggregate source in Wavy Quarry 1 is depleted, the aggregate extracted from Wavy Quarry 2 will replace that source. At no time will the maximum annual tonnage of aggregate removed from both of the Wavy Quarries increase. To permit the development of Wavy Quarry 2 the following amendments to the *City of Greater Sudbury Official Plan* and the *City of Greater Sudbury's Zoning By-Law No. 2010-100Z* are proposed:



1. Official Plan Amendments (OPAs)

Amend Schedule 1b of the *City of Greater Sudbury Official Plan* to re-designate the portion of the Wavy Quarry 2 lands shown in Figure 4 as Heavy Industrial and revise the boundaries of the portion designated as Parks and Open Space, also shown in Figure 4.

2. Zoning Bylaw Amendments (ZBLAs)

Amend *By-Law No. 2015-30 Comprehensive Zoning By-law* by adding those parts of the Wavy Quarry 2 shown in Figure 8 as Zone M3(6) to match the zoning of the existing Wavy Quarry and revise the boundaries of the Open Space-Private Zone as shown in Figure 8. The M3(6) zoning permits extractive use in addition to the other permitted uses in the Heavy Industrial (M3) zone.

The revised boundaries of the Parks and Open Space OP designation and Open Space-Private Zoning are based on the environmental constraints (Figure 5) and proposed adjacent lands setbacks (Figure 6) as described in Section 2.1 above and shown in Figures 4 and 8.

If the proposed OPA and ZBLA applications are approved, Fisher Wavy will then apply to the OMNR for an ARA Licence for the Wavy Quarry 2. Before any development or site alteration can commence on the Wavy Quarry 2 lands the ARA Licence will have to be approved. The ARA licence application will include the following:

1. Site Plans showing existing features, operational features, and rehabilitation features prepared in accordance with the *Aggregate Resources of Ontario: Site Plan Standards* (OMNRF, 2020), and
2. Technical Reports and Information authored by qualified individuals, in compliance with the *Aggregate Resources of Ontario: Technical Reports and Information Standards*, including:
  - a. A Summary Statement,
  - b. A Maximum Predicted Water Table Report,
  - c. A Natural Environment Report, and
  - d. A Cultural Heritage Report (OMNRF, 2023a).

Fisher Wavy will consult with the Indigenous Communities and/or organizations regarding potential impacts of asserted or established Aboriginal and treaty rights as directed by OMNR (OMNRF, 2021). They will also notify the following agencies and provide them a copy of the application package:



1. The City of Greater Sudbury;
2. Conservation Sudbury regarding their regulated areas, wetlands, waterbodies, watercourses, valleys, and natural hazards;
3. The Ontario Ministry of the Environment, Conservation and Parks (OMECP) Sudbury District Office regarding habitat of endangered and threatened species,
4. The Ontario Ministry of Heritage, Sport, Tourism and Culture (OMHSTC) regarding the cultural heritage report,
5. Fisheries and Oceans Canada (DFO) regarding fish habitat, and
6. Utility owners, if there is a utility corridor on or within 120 m of the Wavy Quarry 2.

Assuming the ARA licence for the Wavy Quarry 2 is approved, the new licence for the Wavy Quarry 2 and the licence for the existing Wavy Quarry can be amalgamated. The maximum annual tonnage for the combination of the existing Wavy Quarry 1 and the Wavy Quarry 2 will remain at 500,000 tonnes.

## 4 POLICY REVIEW AND ANALYSIS

### 4.1 THE PLANNING ACT

The Planning Act provides the regulatory framework for land use planning in Ontario. All land use planning decisions must be consistent with the purposes of the Act. The purposes relevant to this Proposal, as stated in Section 1.1, are:

- (a) To promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act,*
- (c) To integrate matters of provincial interest in provincial and municipal planning decisions,*
- (f) To recognize the decision-making authority and accountability of municipal councils in planning.*

The matters of provincial interest that “the council of a municipality, ... shall have regard to, ...” are set out in Part I, Section 2. of the Act. The matters relevant to this Proposal include:

- (a) the protection of ecological systems, including natural areas, features and functions;*



- (c) the conservation and management of natural resources and the mineral resource base;*
- (h) the orderly development of safe and healthy communities;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*

The proposed OPAs and ZBLAs meet the intent of the Planning Act (Section 1.1) by proposing to develop the Wavy Quarry 2 immediately adjacent to the existing Wavy Quarry while protecting Kelly Lake, Junction Creek, and the JCDW, thereby promoting "sustainable economic development in a healthy natural environment" and integrating "matters of provincial interest". Additionally, the Proposal speaks to the following matters of Provincial interest:

- 2.(a) The protection of the CGS's ecological systems by excluding the following sensitive natural areas and features: Kelly Lake, Junction Creek, the JCDW, together with the adjacent lands distances recommended in the *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005* (NHRM) published by OMNR in 2010 from the area proposed to be re-designated as Heavy Industrial and rezoned as M3(6). The western boundary wetland has been excluded from the proposed excavation area (Figure 2);
- 2.(c) A substantial aggregate resource is located on the Wavy Quarry 2. Fisher Wavy is proposing to manage that resource wisely;
- 2.(k) Developing the Wavy Quarry 2 will maintain similar levels of employment after the aggregate resources in existing Wavy Quarry are exhausted;
- 2.(l) Developing the Wavy Quarry 2 after the aggregate resources in the existing Wavy Quarry are exhausted will maintain similar levels of employment, provincial revenue from fees and royalties, municipal road maintenance, etc.;
- 2.(o) Wavy Quarry 2 will be located south and west of the Wavy Quarry. It will be accessed via Ceasar Road, a private road located exclusively on Fisher Wavy property. Public health and safety will be maintained because the public is prohibited from entering the area. Additionally, the proposed Wavy Quarry 2 are within a primarily industrial area. The Proposal excludes the lands within the regulated flooding hazard along Junction Creek and Kelly Lake from development, and



- 2.(p) Fisher Wavy's Proposal to develop the Wavy Quarry 2 rather than developing a new quarry in another location promotes growth and development in appropriate locations. Additionally, it keeps industrial development in its current location, away from incompatible development. The closest residential dwellings are over 500 m from the Wavy Quarry 2 boundaries. The proposed extraction area boundaries are approximately 665 m from the Future Development area adjacent to Robinson Lake.

## 4.2 PROVINCIAL PLANNING STATEMENT, 2024

The Provincial Planning Statement, 2024 (PPS) issued under Section 3 of the Planning Act came into effect on October 20, 2024. It provides land use planning and development policy direction on matters of provincial interest. As well as, supporting the Province's "goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians." All decisions affecting planning matters must be consistent with the policies contained in the PPS. The PPS "recognizes and addresses the complex inter-relationships among environmental, economic, health and social factors in land use planning. The Provincial Planning Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas."

Chapter 1: *Introduction* outlines the vision for land use planning in Ontario. The vision includes the following statements:

- *A prosperous and successful Ontario will also support a strong and competitive economy that is investment-ready and recognized for its influence, innovation and diversity. Ontario's economy will continue to mature into a centre of industry and commerce of global significance. Central to this success will be the people who live and work in this province.*
- *Ontario's land use planning framework, and the decisions that are made, shape how our communities grow and prosper.*
- *Growth and development will be prioritized within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production, and the agri-food network. In addition, resources, including natural areas, water, aggregates and agricultural lands will be protected. Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be mitigated.*
- *Above all, Ontario will continue to be a great place to live, work and visit where all Ontarians enjoy a high standard of living and an exceptional quality of life.*





The current Proposal supports the PPS vision in that it will maintain existing levels of employment and economic benefit to the City and the Province, while protecting public health and safety. It will use and manage aggregate resources wisely while protecting natural heritage features and the flooding hazard areas around Kelly Lake and Junction Creek.

Chapter 2 entitled *Building Homes, Sustaining Strong and Competitive Communities* contains policies regarding “planning for people and homes.” Section 2.1.3 states:

*At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon.*

While Section 2.1.6 asks planning authorities to:

*Support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.*

The Wavy Quarry 2 is in the rural part of the Sudbury Community part of the CGS (City of Greater Sudbury, 2024). Sections 2.5. and 2.6 refer to rural areas within municipalities. The following policies are relevant to the Proposal:

2.5.1 *Healthy integrated and viable rural areas should be supported by:*

- 4) *Using rural infrastructure and public service facilities efficiently.*
- 5) *Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.*
- 7) *Conserving biodiversity and considering the ecological benefits provided by nature.*

2.6.1 a) *On rural lands located in municipalities, permitted uses include the management or use of resources.*

2.6.4 *Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*



Section 2.8 contains policies related to employment. The relevant policy statements include:

*2.8.1.1 Planning authorities shall promote economic development and competitiveness by:*

- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- d) Encouraging intensification of employment uses and compact, mixed-use development that incorporates compatible employment uses such as office, retail, industrial, manufacturing and warehousing, to support the achievement complete communities.*

*2.8.1.3 On lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.*

The Wavy Quarry 2 lands that are the subject of this Proposal are employment areas in the rural part of the CGS. As per Section 2.6.1, this Proposal involves aggregate extraction which is the management and use of a non-renewable resource. Locating the proposed new aggregate extraction activities adjacent to existing aggregate extraction activities and their associated infrastructure will use rural infrastructure efficiently, provide on-going employment opportunities and continued economic benefit to the CGS and the Province of Ontario. Also, it will also minimize constraints on the development of the aggregate resources and development of sensitive receptors in the areas zoned for future development.

The relevant policies from Chapter 3: *Infrastructure and Facilities* are:

*3.1.1 Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:*

- a) Are financially viable over their life cycle, which may be demonstrated through asset management planning,*
- b) Leverage the capacity of development proponents, where appropriate, and*
- c) Are available to meet current and projected needs.*



*3.1.2.a) Before consideration is given to developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized.*

*3.4.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*

*a) Their long-term operation and economic role is protected; and*

*b) Airports, rail facilities and marine facilities, and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.*

*3.5.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.*

*3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing, or other major facilities that are vulnerable to encroachment by ensuring that proposed adjacent sensitive land uses are only permitted if potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

The proposed land use designation changes, zoning changes, and aggregate extraction activities are in an area where sensitive uses are unlikely to be developed. There is a railway and open space zoning to the north of the Wavy Quarry 2. The zoning of the other areas within 500 m of the Wavy Quarry 2 includes industrial, open space, and future development. The nearest existing residential dwelling, located on Brierwood Crescent is approximately 850 m southeast of the proposed excavation area. The area zoned future development at the western end of Robinson Lake is approximately 655 m southeast of the proposed excavation area boundary.

The long-term operational and economic viability of the Wavy Quarry will be maintained if the Proposal to expand its boundaries is approved by the CGS and the OMNR. Risks to public health and safety will be minimized because access to the Wavy Quarry 2 is via Caesar Road, a private road with posted access restrictions.

Section 3.9 deals with public spaces, recreation, parks, trails, and open spaces. It states:



*3.9.1. Healthy, active, and inclusive communities should be promoted by:*

- a) Planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) Planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*
- c) Providing opportunities for public access to shorelines; and*
- d) Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

The area along Kelly Lake, Junction Creek, surrounding the JCDW, and the isolated wetland are proposed to be designated Parks and Open Space, and zoned Open Space – Private. The only permitted use in an Open Space – Private Zone is a park. Fisher Wavy does not have any plans to develop or alter the land in this area. These points support the intent of Section 3.9 by protecting and avoiding impacts on the shoreline of Kelly Lake, Junction Creek, and the JCDW. The western boundary wetland and a 30 m adjacent lands setback have been excluded from the proposed excavation area to protect it.

Chapter 4 pertains to the wise use and management of resources. Section 4.1 provides the natural heritage policies planning authorities must be consistent with. The following natural heritage policies apply to this Proposal:

- 4.1.1 Natural features and areas shall be protected for the long term.*
- 4.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 4.1.4 a) Development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E.*
- 4.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*



- 4.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 4.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Section 4.2 pertains to water. It states, in part:

- 4.2.1 *Planning authorities shall protect, improve, or restore the quality and quantity of water by:*
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
  - c) identifying water resource systems (defined as a system consisting of ground water features and areas, surface water features including shoreline areas, natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the watershed);*
  - d) maintaining linkages and functions of water resource systems;*
  - e) implementing necessary restrictions on development and site alteration to ...protect, improve or restore vulnerable surface and ground water, and their hydrologic functions,*
- 4.2.2 *Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.*

The following natural heritage and water features and areas are located on the Wavy Quarry 2 lands (shown on Figure 5 and/or Figure 6):

- 1) The shoreline of Kelly Lake;
- 2) The northern bank of Junction Creek;



- 3) The on-Site wetlands delineated and characterized by Blue Heron Environmental in 2024 including the locally significant JCDW, the wetland located near the western boundary of the Wavy Quarry 2 lands, and an isolated wetland with an area of less than 0.5 ha located in the just north the JCDW (Blue Heron Environmental, 2024);
- 4) Fish habitat in Kelly Lake, Junction Creek, and some streams (Tulloch Environmental, 2021); and
- 5) The depressional areas, and streams identified using the CGS 2018 Digital Terrain Model (DTM) dataset and the Topography dataset derived from the DTM (City of Greater Sudbury, 2018a; City of Greater Sudbury, 2018b).

Technical guidance regarding the implementation of the natural heritage policies of the PPS are provided in the NHRM (OMNR, 2010). Because the natural heritage policies in the 2005 Provincial Policy Statement and the 2024 PPS are very similar and updated technical guidance documents have not been produced, the NHRM guidance remains valid.

The NHRM recommended adjacent lands distance from significant wetlands and fish habitat is 120 m. The recommended adjacent lands distances have been applied as setbacks, specifically:

- A 120 m setback from Kelly Lake and Junction Creek to protect fish habitat;
- A 120 m setback from the locally significant JCDW based on the boundaries delineated in 2024 (Figure 6). Although the JCDW has not been evaluated as per the *Ontario Wetland Evaluation System Northern Manual* (2022), it is presumed to be provincially significant, therefore a 120 m adjacent lands setback seems appropriate.

To obtain an ARA aggregate pit and quarry licence for the Wavy Quarry 2 Fisher Wavy will need to submit a Natural Environment Report (NER) with their application. A NER must identify the natural heritage features and areas listed in the PPS that are on and within 120 m of the Wavy Quarry 2 (OMNRF, 2023a). Additionally, the NER must contain an assessment of negative impacts of the proposed aggregate extraction activities on the identified natural heritage features and areas and their ecological functions and a plan to prevent, mitigate and/or remediate these impacts. Although the NER is not currently available, it must be completed prior to submitting the ARA application. The application including the NER will be circulated to the CGS prior to the approval of the licence for the Wavy Quarry 2.

Also, a Maximum Predicted Water Table (MPWT) Report to determine the estimated ground water table elevation relative to the proposed excavation depth at the site must accompany an ARA application (OMNRF, 2023a). To establish the MPWT ground water level monitoring must be conducted for a minimum of one year. A qualified professional uses the monitoring data to calculate the MPWT. Since



Fisher Wavy is proposing to expand the boundaries of their existing Class A, Above Water Quarry and Pit the maximum excavation depth must more than 1.5 m above the MPWT in the pit and 2 m above the MPWT in the quarry. These calculations and maximum excavation depths are designed to ensure ground water resources, and their uses are protected.

Policies pertaining to minerals and petroleum are contained in Section 4.4. The following policies apply to the current Proposal.

*4.4.1 Minerals and petroleum resources shall be protected for long-term use.*

*4.4.2.2 Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources ...*

The Wavy Quarry 2, except for that portion directly south of the existing Wavy Quarry, are designated Mining/Mineral Reserve as shown on Schedule 1b - Land Use - Sudbury Community of the OP (2023). The extraction of aggregate will not preclude future access to any mineral deposits, nor hinder the establishment of new mining operations.

Mineral aggregate resources policies are discussed in Section 4.5. The following policies are relevant to this Proposal:

*4.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*

*4.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.*

*Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.*

*4.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.*

*4.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan*



*amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 4.5.2.5 continues to apply.*

*4.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources ...*

The Wavy Quarry 2 is not within a known aggregate deposit, however, it is part of an extensive bedrock knob that can be quarried to create aggregates (OGS, OMNR, 2019; Ontario Institute of Pedology, 1983). Also, it is adjacent to an existing licenced aggregate quarry and pit. This Proposal involves expanding the boundaries of the existing pit and quarry which is protected by Section 2.5.2.4. Incompatible development and activities, specifically, the area zoned residential, and two areas zoned future development are a minimum of 655 m away from the parts of the Wavy Quarry 2 proposed to be redesignated as Heavy Industrial and zoned M3(6).

The long-term operational and economic viability of the Wavy Quarry will be maintained if the Proposal to expand its boundaries is approved by the CGS and the OMNR. Risks to public health and safety will be minimized because access to the Wavy Quarry 2 is via Caesar Road, a private road with posted access restrictions.

Chapter 5: *Protecting Public Health and Safety* contains policies pertaining to natural and human-made hazards. Section 5.1 states:

*Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.*

Natural hazards are discussed in Section 5.2. Policies applicable to this Proposal include:

*5.2.2 b) Development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.*

*5.2.3 Development and site alteration shall not be permitted within:*

*3) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*





- 4) *a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

Policies regarding human-made hazards are outlined in Section 5.3. Section 5.3.1 states:

*Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.*

Both natural hazards and human-made hazards are located on or adjacent to the Wavy Quarry 2. The natural hazard is the flooding hazard area surrounding Kelly Lake and Junction Creek (Figure 6). The human-made hazard is the existing Wavy Quarry 1. The risks to public health and safety in association with these hazards will be minimised because the existing Wavy Quarry and the proposed Wavy Quarry 2 are located on Ceasar Road, a road owned by Fisher Wavy, to which public access is restricted.

## 4.3 GROWTH PLAN FOR NORTHERN ONTARIO

The *Growth Plan for Northern Ontario* (GPNO), is a 25-year plan providing guidance to ensure that provincial decisions and investment supports economic and population growth in Northern Ontario (Government of Ontario, 2011). Its key goals are:

- Diversifying traditional resource-based industries;
- Education and training for the workforce in Northern Ontario;
- Ensuring infrastructure investments and planning are integrated;
- Ensuring that Indigenous peoples' have the tools necessary to enhance and support their participation in the economy.

The GPNO is designed to by an economic development plan, an infrastructure investment plan, a labour market plan, as well as a land-use plan. It recognizes that the contributions of people, communities, infrastructure, and the environment are interconnected and necessary to support a successful and sustainable economy. It focuses on developing more strategic ways to leverage the economic, social and natural resources unique to Northern Ontario.

The vision of the GPNO is to ensure that by 2036:

*Northern Ontario has a skilled, educated, healthy and prosperous population that is supported by world-class resources, leading edge technology and modern*



*infrastructure. Companies scan the world for opportunities to create jobs, attract investment and serve global markets.*

*Communities are connected to each other and the world, offering dynamic and welcoming environments that are attractive to newcomers. Municipalities, Aboriginal communities, governments and industry work together to achieve shared economic, environmental and community goals.*

The guiding principles for delivering the GPNO's vision require the involvement of governments and diverse partners across Northern Ontario to focus on the following six key principles:

- 1. Creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents*
- 2. Developing a highly educated and skilled workforce to support an evolving knowledge-based economy and excellence in the trades*
- 3. Partnering with Aboriginal peoples to increase educational and employment opportunities*
- 4. Delivering a complete network of transportation, energy, communications, social and learning infrastructure to support strong, vibrant communities*
- 5. Demonstrating leadership in sustainable growth and environmental management*
- 6. Establishing innovative partnerships to maximize resources and ensure this Plan achieves its ambitious vision and is fiscally sustainable*

This Proposal supports the vision and guiding principles of the GPNO because it will maintain or increase levels of employment and support the construction and maintenance of transportation networks while protecting the environment.

Section 2 of the GPNO address the economy. It states that the policies in this section of the Plan "are intended to support growth and diversify the region's traditional resource-based industries." Policies relevant to this Proposal include:

- 2.2.1 The Province will collaborate with the federal government, as well as business and industry, municipalities, Aboriginal communities and organizations, the education and research sectors, and community organizations on economic development strategies for existing and emerging priority economic sectors ...*



2.2.2 *The Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantages that Northern Ontario can offer within these sectors:*

- g. minerals sector and mining supply and services*
- j. transportation, aviation and aerospace*

2.2.3 *Economic development strategies for existing and emerging priority economic sectors will examine opportunities to:*

- b. attract investment*
- c. grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities*
- g. integrate sector considerations in labour market and infrastructure planning.*

2.2.4 *The Province will bring an integrated approach to these economic development strategies through the creation of regular, five-year economic action plans for Northern Ontario that address:*

- a. the emergence and development of the existing and emerging priority economic sectors*
- b. existing and emerging priority economic sectors that should be the focus of economic development efforts for the next five-year period.*

Expanding the Wavy Quarry to adjacent lands supports the above-mentioned economic policies because:

- It is an investment in the Northern Ontario economy;
- It will grow and maintain an existing business; and
- It will provide aggregate for the transportation sector, among others.

Section 4 of the GPNO provides policies related to communities. It states that:

*Well-planned and thoughtfully designed communities will attract investment and support economic development, attract and retain skilled workers, strengthen cultural identity and heritage, and maintain a clean and healthy environment. The policies in this section of this Plan support community planning in Northern Ontario that balances the equally important priorities of human, economic and environmental health.*



Additionally, it identifies the CGS as an “economic hub that benefit(s) all of Northern Ontario”. The CGS and the other Northern Ontario cities as the “optimal locations for infrastructure investments that help to expand on this potential, and that serve citizens across the North. These cities also have great potential to leverage investments and growth to develop vibrant, mixed-use core areas”.

*4.3.2 Economic and service hubs should be designed to:*

- a. accommodate a significant portion of future population and employment growth in Northern Ontario*
- b. function as service centres that deliver important region-wide public services to the broader surrounding regions*
- c. function as economic hubs linking Northern Ontario with other significant economic regions in Ontario and beyond.*

*4.3.3 Economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for:*

- b. maintaining up to a 20-year supply of lands, or as otherwise provided by a provincial policy statement, for a variety of employment uses in appropriate locations to support economic development objectives*
- e. providing for a range of transportation options*

*4.3.4 Economic and service hubs shall be focal areas for investment in regional transportation, energy, information and communications technology, and community infrastructure.*

This Proposal is located within the CGS. It will provide economic benefits to the CGS and Northern Ontario as a whole. Additionally, this project will provide employment opportunities. It supports the construction and maintenance of transportation infrastructure.

Infrastructure is addressed in Section 5 of the GPNO. The preamble states:

*Efficient, modern infrastructure is critical to Northern Ontario's future. Transportation, education, health, energy, water and wastewater infrastructure, information and communications technology and community infrastructure are the building blocks for economic growth ...*

*Transportation infrastructure, including roads, rail, air, and waterways, connects communities within the North to one another and to the rest of the world. Northerners*



*often need to travel great distances to access work, education and health services... An integrated, long-term transportation plan is needed to maintain and enhance the North's transportation infrastructure and to improve connectivity among the various modes of travel.*

Some of the policies relevant to this Proposal are:

- 5.2.1 *Infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to: transportation systems, water and wastewater infrastructure, waste management systems, energy infrastructure, community infrastructure, and information and communications technology infrastructure.*
- 5.2.2 *In Northern Ontario, the Province will give priority to infrastructure investments that support the policies in this Plan.*
- 5.3.2 *The transportation system within Northern Ontario will be planned and managed with an emphasis on opportunities to:*
  - a. *optimize the capacity, efficiency and safety of the existing transportation system*
  - b. *link major markets, resource development areas, and economic and service hubs*
  - c. *meet the needs of the existing and emerging priority economic sectors and help implement regional economic plans*
  - d. *enhance connectivity among transportation modes including rail, road, marine and air*
  - e. *create or strengthen linkages between economic and service hubs and rural and remote communities*
  - f. *reduce emissions and other environmental impacts associated with transportation.*

The aggregate extracted from the Wavy Quarry 2 will support the construction and maintenance of transportation infrastructure. By having a continuing source of aggregate within the CGS, emissions will remain at current levels because the Wavy Quarry 2 is located adjacent to the existing Wavy Quarry meaning hauling distance will remain the same.

Policies related to the environment are found in Section 6. The preamble states, in part:

*The land and its natural resources have sustained the people and driven the economy of Northern Ontario for generations. Even with recent diversification into non-*



*resource-based activities, the region's environment still anchors much of the economy...*

*This Plan supports the sustainable development of natural resources with a balanced approach to environmental, social and economic health.*

Section 6.2 of the GPNO provides the following policy statement related to the sustainable development of natural resources:

*6.2.2 Natural resource management and stewardship practices will occur within a framework that recognizes and responds to evolving environmental, economic and social values, and science-based knowledge and information, which allows for the introduction of new practices, technologies and management approaches, traditional knowledge, and locally and regionally responsive approaches.*

The Wavy Quarry 2 proposal supports the environment policies within the GPNO by striving to extract aggregate in the most sustainable way possible while protecting Kelly Lake, Junction Creek, and the JCDW.

#### **4.4 CITY OF GREATER SUDBURY OFFICIAL PLAN**

Land use planning decisions in the CGS are guided by the *City of Greater Sudbury Official Plan*, as amended. It was adopted by City Council on June 14, 2006. The current office consolidation contains the amendment approved up to July 4, 2024. The OP outlines the City's vision, goals, and objectives, and provides the policies required to implement them. The OP has been thoroughly reviewed and the policies relevant to this Proposal are discussed below.

The vision is found in Section 1.4. It includes the following statements:

*Greater Sudbury is open to business providing an economic environment that retains and grows a wide variety of industrial, institutional and commercial enterprises. The natural resources that form the basis for our economy, in particular the mineral and mineral aggregate resources are protected and see additional investment and activity. The community's Economic Development Strategic Plan has been realized making the city a magnet for new investment and human capital.*

*Greater Sudbury values and protects its natural heritage features and areas. Endangered and threatened species, fish habitat, significant wetlands like the Vermilion River Provincially Significant Wetland Complex, and significant wildlife habitat like that used by moose during the late winter are protected for their environmental, ecological and social benefits.*



*Greater Sudbury is a “City of Lakes” and water. Our city’s 330 lakes and watersheds provide a striking natural backdrop for our communities, safe sources of drinking water for residents, natural habitat for wildlife and a wealth of summer and winter, active and passive recreational activities. Surface water resources have been improved. Drinking water resources are safe and reliable.*

*The public health and safety of Greater Sudburians is protected from natural and human made hazards. New development is directed to areas outside of flood hazards, erosion hazards, unstable soils, mine hazards and former waste disposal sites protecting the value of investment. The Brownfield Strategy and Community Improvement Plan has stimulated the revitalization of urban and rural brownfields.*

This Proposal supports the CGS’s Vision by investing in the expansion of a mineral aggregate operation while recognizing and protecting the associated natural features and areas including Kelly Lake, Junction Creek, and the JCDW. Work to identify and protect other natural heritage features including potential habitat for threatened and endangered species is on-going. Public health and safety will be protected by ensuring the flooding hazard areas on the Wavy Quarry 2 lands are protected from development.

OP Schedule 3 Settlement and Built Boundary shows the numerous communities, non-urban settlements, and extensive rural areas that exist in the CGS. The Wavy Quarry 2 lands are within the Community of Sudbury, just outside the Settlement Area.

Section 4.0 pertains to Employment Areas, the lands “where people presently work and lands where employment opportunities will be provided in the future.” Employment Areas include General and Heavy Industrial, Mining/Mineral Reserve, and Aggregate Reserve land use designations. The Industrial land use designations were “established to support economic activity in the industrial sector ... the Heavy Industrial designation encompasses core infrastructure needs such as water and wastewater treatment plants and landfill sites.” The Section 4.1 Employment Area objectives that apply to this Proposal are:

- c. promote the intensification and revitalization of commercial, industrial and institutional areas,*
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;*
- g. promote environmentally sound industrial practices and mitigate conflicts with sensitive uses,*
- h. ensure that new developments do not preclude future extraction of known or potential mineral or aggregate deposits, and*



- i. ensure that mining and aggregate operations are located, designed and developed so as to minimize impacts upon the social and natural environment.*

The purpose of the Proposal is to redesignate and rezone the portions of the Wavy Quarry 2 shown in Figures 4 and 8 as Heavy Industrial and M3(6), respectively, and to permit the development of the Wavy Quarry 2 adjacent to the existing Wavy Quarry thereby intensifying an industrial area. The Wavy Quarry 2 lands are in a primarily industrial area, reducing the likelihood that future extraction in Wavy Quarry 2 will be precluded by the development of sensitive uses adjacent to it. Additionally, the Proposal minimizes the impacts on the natural environment by designating the natural heritage features, areas and their adjacent lands as Parks and Open Space (Figures 4, 5 and 6). Natural heritage features and areas include Kelly Lake, Junction Creek, the JCDW, the western boundary wetland and flooding hazard areas. Environmental studies regarding other potential natural heritage features are on-going and will be identified and protected as a part of the required ARA licence application.

Policies regarding Industrial Area Designations are found in Section 4.5. The policies relevant to this Proposal include:

- 4.5.2.1 Within areas designated Heavy Industrial, all industrial uses are permitted, including ..., quarrying ...*

Section 4.6 outlines the intents and policies for the Mineral and Aggregate Extraction Designations. These policies apply because most of the Wavy Quarry 2 lands are currently designated as a Mining/Mineral Reserve area and the proposed use is mineral aggregate extraction (Figure 3). The relevant policies include:

- 4.6.1.2 Lands designated Mining/Mineral Reserve may be used for a variety of uses related to the extraction of minerals. Permitted uses may include ... mineral aggregate uses, ..., pits and quarries and related uses, and accessory uses and structures associated with mining.*
- 4.6.2.2 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact ...*
- 4.6.2.4 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*
  - a. resource use would not be feasible; or*





- b. the proposed land use or development serves a greater long-term public interest; and*
- c. issues of public health, public safety and environmental impact are addressed.*

*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:*
  - 1. natural heritage features, including significant geologic formations on the site and in the area;*
  - 2. agricultural resources and activities;*
  - 3. the character of the area;*
  - 4. the groundwater recharge functions on the site and in the immediate area;*
  - 5. cultural heritage resources in the area through an archaeological assessment and/or a cultural heritage impact assessment;*
  - 6. surface water features in the area; and,*
  - 7. 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 in order to lessen the impacts.*

*4.6.2.9 On lands not designated as Aggregate Reserve but where deposits of aggregate exist, pits and quarries may be permitted by rezoning subject to the criteria under Policy 4 in this Section.*



As per Section 4.6.1.2, the extraction of mineral aggregate is a permitted use in a Mining/Mineral Reserve area. Although the Wavy Quarry 2 lands are not in an Aggregate Reserve area, they contain a significant quantity of rock that can be quarried. As per Section 4.6.2.9, pits and quarries may be permitted outside of an Aggregate Reserve subject to a rezoning based on the criteria outlined in Sections 4.6.2.4 and 4.6.2.6

The southern most portion of the Wavy Quarry 2 lands are currently designated Parks and Open Space (Figure 3). The current proposal will reduce the amount of land designated as Parks and Open Space, however, the area proposed to remain Parks and Open Space (Figure 4) is based on protecting identified natural heritage features and areas together with their adjacent lands (Figures 5 and 6). The purposes and policies relating to the Parks and Open Space designation are found in Section 7.0. It begins with the following statement:

*As a City known for its diversity of urban, rural and wilderness landscapes, Parks and Open Space areas take on special significance within the hierarchy of land uses due to their recreational value, environmental functions, and natural beauty.*

Additionally, it states:

*Natural areas form an extensive part of the open space system, including Conservation Areas where the predominant intention is to leave the land in its natural state. Consistent with Healthy Community principles, the health, diversity and connectivity of the City's natural features and functions will be protected and enhanced.*

Some of the objectives of the Parks and Open Space designation, found in Section 7.1 are:

- b. Recognize the importance of these areas to the ecosystem and assist in protecting areas comprised of unique or environmentally sensitive natural heritage features; and
- c. Facilitate the preservation of natural habitats through the formation of parklands, greenbelts and Conservation Areas.

Other relevant Parks and Open Space policies include Section 7.2 which describes the Parks and Open Space Classification system. It states, in part, that parks and open spaces are classified by the needs, uses and functions of the parkland in question.

The City encourages the protection of privately owned Parks and Open Space to potentially fill missing linkages in the open space network or provide buffers between incompatible land uses in Section 7.3.2. Private lands designated Parks and Open Space include “lands with natural hazards such as flood plains that are not suitable for development, lands that are difficult and uneconomical to develop and service,” and “lands that are intended to be left undeveloped to serve as buffers between mining or heavy industrial uses and built-up areas”. “The permitted uses on privately owned Parks and Open Space may include



conservation, passive and active recreational uses, agriculture, forestry or other activities where buildings are incidental to those uses.”

The parts of the Wavy Quarry 2 lands that are currently and proposed to be designated Parks and Open Space are located adjacent to Kelly Lake, Junction Creek, and the JCDW and the associated flooding hazard areas (Figures 3, 4, 5 and 6). Schedule 2b identifies the Junction Creek Delta Area as a natural asset area. The Proposal supports the Parks and Open Space objectives and policies because the areas surrounding Kelly Lake and Junction Creek, and their flooding hazard areas are proposed to be designated as Parks and Open Space.

Part III of the OP is titled *Protecting the Natural Environment*. It contains policies promoting the sustainability of the natural environment. Section 8.0 addresses water resources and Section 9.0 pertains to the natural environment.

The Wavy Quarry 2 lands are adjacent to sensitive surface water features, as a result, the following water resources policies are relevant to this Proposal:

- 8.1.1 *Sensitive surface water features, sensitive groundwater features, and their hydrologic functions and linkages will be determined through a watershed-based planning approach. Sensitive surface water and groundwater features are defined as areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.*
- 8.1.2 *Development and site alteration will be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions and linkages will be protected, improved or restored.*
- 8.1.3. *Mitigative measures and/or alternative development approaches may be required to protect, improve and restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*
- 8.4.1.3. *A minimum 30-metre setback from the normal high water mark of a lake or river, or a minimum 12-metre setback from the normal high water mark of a permanently flowing stream, will be required for all new development, excluding shoreline structures.*
- 8.4.1.4. *For lakes, rivers and streams where flood plain mapping has been developed, the policies outlined in Section 10.2 will take precedence if they result in more stringent setbacks from the surface water features than those listed above.*



*8.4.5.2. It is the intent of this Plan to maximize the amount of natural vegetation within the shoreline buffer area. As such, the City may implement controls on the removal of vegetation by establishing limits on clearing, changes to the grade, and the placement of impervious surfaces along shorelines and stream banks. These regulations will be based on achieving the following targets:*

- a. maintain a shoreline buffer area in a natural state to a depth of 20.0 metres from the normal high-water mark of a lake or river; and,*
- b. maintain a shoreline buffer area in a natural state to a depth of 12.0 metres from the normal high-water mark of a permanently flowing stream.*

The Wavy Quarry 2 lands are located adjacent to Kelly Lake and Junction Creek within the Junction Creek Subwatershed. To protect these sensitive surface water features, their hydrologic functions and linkages, a setback of the greater of 120 m or the regulated flooding hazard (248.4 masl (CGVD28) +15 m) have been excluded from the area to be redesignated and rezoned to Heavy Industrial. Additionally, the ARA Licence Application will require Fisher Wavy to show all existing and proposed surface water drainage, drainage facilities, water diversion and point of discharge on and within 120 m of the area proposed to be licenced on the Existing Features and/or the Operations Site Plan (OMNRF, 2020). The ephemeral creeks, wetlands less than 0.5 ha, and depressional areas located north of Kelly Lake, Junction Creek and the Junction Creek Wetland will not be conserved. The overland water flow will be directed around the proposed excavation area.

The City of Sudbury has asked that the Existing Features Site Plan, Operations Site Plan, and Rehabilitation Site Plan prepared in accordance with the 2020 *Aggregate Resources of Ontario: Site Plan Requirements* accompany the OPA and ZLBA applications. The Site Plans included with these applications are in draft only. The setbacks along Kelly Lake, Junction Creek and the JCDW showing on the Draft Site Plans are in correct, please see the Figures 2 and 6 for the correct setbacks. The final Site Plans will accompany the ARA Licence Application. The final Site Plans will include the updated setbacks, any other changes, and conditions as recommended by the supporting technical reports.

The existing Wavy Quarry is licenced as and Above Water, Class A Pit and Quarry with a maximum annual tonnage of 500,000 tonnes. The Wavy Quarry 2 also proposed to be an Above Water, Class A Pit and Quarry. Excavation in an above water pit and quarry must remain a minimum of 1.5 m and 2.0 m above the maximum level of the predicted ground water table, respectively (OMNRF, 2020). To ensure the pit and quarry remain above the MPWT, it must be shown on the Existing Features Site Plan and the final excavation elevation(s) must be shown on the Operations Site Plan that will accompany the ARA application. The MPWT, formerly referred to as the established groundwater table, will be established for the Wavy Quarry 2 as required by the ARA guidelines. The MPWT Report must be prepared to support the ARA application. As a result, groundwater will be protected.



Stormwater management policies are also included in Section 8.0. The relevant policies include:

*8.5.1 Stormwater management in the City is needed to:*

- a. reduce, to acceptable levels, the potential risk of health hazards, loss of life and property damage from flooding;*
- b. reduce, to acceptable levels, the incidence of inconvenience caused by surface ponding and flooding;*
- c. ensure that the quality of stormwater reaching outlet-receiving lakes and rivers meets provincially accepted criteria;*
- d. ensure that any development or redevelopment utilizes best management practices such as low impact development, minimizes the impact of change to the groundwater regime, increased pollution, increased erosion or increased sediment transport, especially during construction;*
- e. maintain the natural stream channel geometry, insofar as it is feasible while achieving the above objectives.*

*8.5.2.4. Existing watercourses will be left in their natural state whenever possible. The banks must be able to convey either the Regional or 100-year storm peak flow.*

Details regarding existing and proposed surface water drainage and drainage facilities, water diversions and points of discharge to surface water on or within 120 m of the Wavy Quarry 2 must be indicated on the Existing Features Site Plan and/or the Operations Site Plan as part of ARA licence application.

Section 9.0 addresses the natural environment. The preamble to Section 9.0, begins with:

*A healthy natural environment is critical to Greater Sudbury's quality of life. ... As such, significant natural features and areas and their functions and relationships must not be compromised in the growth of our City and will be protected for long-term use. The built environment is to be integrated with natural features and areas and their functions in a manner respectful of the natural system's limits.*

*For the purposes of this Plan, the City's significant natural features and areas consist of:*

- Habitat of Endangered and Threatened Species;*
- Wetlands;*



- *Fish habitat;*
- *Significant Wildlife Habitat;*
- *Significant Areas of Natural and Scientific Interest (ANSI); and,*
- *Sites of Geological Interest.*

The natural environment objectives outlined in Section 9.1 that are relevant to this Proposal include:

- a. ensure the continued existence of significant natural features and areas and their ecological functions in our City;*
- b. protect and enhance the ecological integrity and connectivity of natural features and areas;*
- c. achieve a balanced relationship between development and the natural environment by preserving natural features and areas;*
- d. minimize the loss or fragmentation of natural features and areas, wherever possible; and*
- e. Maintain, restore or, wherever possible, improve linkages between and among natural features and areas, surface water features and ground water features.*

Section 9.2.1. outlines the general policy framework with respect to significant natural features and areas. The two policies that apply to this Proposal are:

- 1. Notwithstanding any land use permissions granted by this Plan, in certain circumstances an Environmental Impact Study (EIS) will be required to demonstrate that a proposed development will not negatively impact significant natural heritage features and areas, or ecological functions present on or adjacent to a proposed development site. Submission of the EIS will be the responsibility of the applicant. The EIS will be prepared in accordance with Section 9.5. The type of EIS required for a particular development proposal will be determined by the City prior to or at the time of application, and*
- 2. Due to the large geographic area involved and the limited resources of the City, not all of the significant natural heritage features and areas are identified on the Schedules to this Plan. While known significant features and areas are identified on Schedule 5, Natural Heritage, the significance of other features can only be determined after evaluation. In areas where, based on new evidence or experience,*



*significant natural features and areas are thought to exist in or adjacent to a proposed development, proponents may be required to prepare an ecological site assessment to determine if the features and areas are, in fact, present. Should the findings of the ecological site assessment reveal the occurrence of significant natural heritage features and areas, the proponent may be required to prepare an EIS in accordance with Section 9.5.*

OP Section 9.2.3 addresses wetlands. The preamble states “wetlands require protection from incompatible development to protect the important water-related functions they provide”. Wetland policies include determining wetland sensitivity and developing appropriate land use policies through watershed or subwatershed plans. It also prohibits development and site alteration within Provincially Significant Wetlands. Subsection 9.2.3.1 indicates that “watershed and subwatershed plans will determine the sensitivity of wetlands and establish appropriate land use policies.”

The Wavy Quarry 2 lands are located with the South End of the Community of Sudbury Policy Area (South End). Land use policies for the South End are found in Section 20.4 of the OP. The South End natural assets are illustrated in OP Schedule 2a. The JCDW is identified as a natural asset and a locally significant wetland.

Subsection 20.4.11 states “Locally significant wetlands have been conceptually identified on Schedule 2b, South End Natural Assets. The policies contained in Section 9.2.3 of this Plan pertaining to Wetlands shall apply.” Subsection 20.4.12 outlines the policies related to South End Natural Assets:

- 1. It shall be the policy of Council to protect the natural assets in the South End that are shown on Schedule 2b, South End Natural Assets. These lands should be retained in public ownership, or be acquired by public bodies when opportunities arise ...*
- 2. Natural creeks and streams located within areas to be developed shall be preserved in their natural state wherever feasible. Any special treatment required shall be designed to blend with the natural appearance of the watercourse. Consideration should always be given to utilizing watercourse corridors as natural greenspace in the urban design of an area.*

Additional significant natural features and areas on the Wavy Quarry 2 lands and adjacent lands within 500 m of the Wavy Quarry 2 including Kelly Lake, and Junction Creek that have been identified on OP Schedule 5 Natural Features.

Other natural heritage features and areas within and adjacent to the Wavy Quarry 2 lands were identified by Conservation Sudbury. They have mapped presumed regulated areas surrounding wetlands, lakes, rivers, streams, and areas affected by flooding hazards, erosion hazards, and dynamic beach hazards (Conservation Sudbury, 2023). They identified the western boundary wetland and other areas in the western part of the Wavy Quarry 2 lands that could be small wetlands. The wetland characterisation and



delineation completed in 2024 indicated that only the western boundary wetland and one small, isolated wetland located just north of the JCDW (Blue Heron Environmental, 2024). Blue Heron Environmental field checked all of the other small wetlands by mapped by Conservation Sudbury and determined that they are depressional areas that did not exhibit wetland characteristics.

Finally, Greenstone identified and mapped permanent and ephemeral streams, and additional depressional areas using the DTM datasets.

The natural features and areas discussed above are shown on Figure 5. The Conservation Sudbury regulated areas around waterbodies, streams, wetlands, and depressional areas are also shown in Figure 5.

To conform with the OP Section 9.0 policies, adjacent lands setbacks have been applied to the following natural heritage features as shown in Figure 6:

- A 120 m setback from the outer boundaries of the JCDW as delineated by Blue Heron Environmental in 2024. It is a locally significant, unevaluated wetland (Wood, 2019). It is presumed that it would be provincially significant if it were to be evaluated using the *Ontario Wetland Evaluation System Northern Manual* (OWES) (2022). As a result, the adjacent lands setback being applied to the JCDW is 120 m consistent with the adjacent land distance recommended in the Natural Heritage Technical Manual (OMNR, 2010).
- A 120 m setback from the shoreline of Kelly Lake and the northern bank of Junction Creek to protect fish habitat consistent with the fish habitat adjacent lands distance recommended in the Natural Heritage Reference Manual.

To protect fish habitat and significant wetlands, Kelly Lake, Junction Creek, the JCDW, and their adjacent land setbacks are proposed to be designated and zoned Parks and Open Space and Open Space-Private, respectively.

The western boundary wetland is approximately 0.5 ha while the on-site isolated wetland is approximately 0.05 ha. In general, wetlands under 2 ha are not evaluated using OWES, therefore these wetlands are not considered to be significant. As a result, the proposed Heavy Industrial designation and M3(6) zoning include these areas. However, the western boundary wetland and a 30 m setback were applied when the excavation area was mapped (Figure 2). A 30 m setback is consistent with Conservation Sudbury's regulated area as defined by O. Reg. 41/24 under the Conservation Authorities Act. Conservation Sudbury does not regulate wetlands under 0.5 ha, except in specific circumstances. As a result, a setback has not been applied to the on-site isolated wetland.





Not all of the natural heritage features and areas that exist on the Wavy Quarry 2 lands have been identified to date. However, a Natural Environment Report (NER) that identifies all natural heritage features on and with in 120 m of a proposed aggregate pit or quarry must accompany any ARA licence application.

To provide guidance and focus for the NER for the Wavy Quarry 2, Fisher Wavy commissioned an environmental opportunities and constraints study (Tulloch Environmental, 2021). The following candidate or potential natural heritage features were identified:

Natural Heritage Feature Type	Species	Feature Description
Habitat of Threatened and Endangered Species	Endangered Myotis Bat Species	Foraging, daytime roosting habitat
	Blanding's Turtle Habitat	Categories 1 to 3 habitat
Candidate Significant Wildlife Habitat	Waterfowl	Staging and nesting habitat
	Amphibians	Woodland and wetland breeding habitat
	Turtles	Wintering and Nesting Habitat
Habitat of Species of Special Concern	Common Nighthawk	Breeding habitat confirmed in 2020
	Canada Warbler, Olive-sided Flycatcher, and Eastern Wood-Pewee	Nesting habitat
	Snapping Turtle	Breeding habitat
Candidate Provincially Significant Wetland		Junction Creek Delta Wetland
Candidate Fish Habitat	Direct fish habitat	Kelly Lake, Junction Creek, and flooded wetlands.
	Indirect fish habitat	Any permanent or ephemeral streams that flow into fish habitat.

Studies to confirm the presence or absence of the potential or candidate natural heritage features and areas listed above are in preparation or have been completed and the NER is in preparation. In addition to identifying the natural heritage features and areas located on and within 120 m of the Wavy Quarry 2, the NER will also contain a discussion of the potential negative impacts of the proposed aggregate extraction activities on those features, areas, and their ecological functions. Finally, it will provide recommended preventative, mitigative and/or remedial measures required to protect the natural features, areas and their ecological functions (OMNRF, 2023a). The recommendations in the NER will become conditions of the Site Plan. They will be added to the Operations Site Plan conditions. The NER requirements are similar to the Full-Site EIS requirements outlined in Section 9.5.1 of the OP. The preconsultation agreement indicates that an EIS is not required if the presence of Species At Risk and/or their habitat and the limits of the JCDW are addressed through the aggregate approvals process.



Section 10.0 provides policies about protecting public health and safety. Flood-prone areas and abandoned pits and quarries are identified as natural and human-made hazards that can impact human health and safety, and damage property. Some of the hazard related objectives listed in Section 10.1 are:

- a. identify existing and potential natural and human made hazards that are constraints to development and threats to public health, safety or property;*
- b. protect residents, businesses and property from natural and human-made hazards;*
- c. ensure that development on or near natural and human-made hazards recognizes and mitigates the potential adverse effects of those hazards; and*
- e. build resiliency to climate change.*

Section 10.2 addresses flooding and erosion hazards. It defines flood hazard areas as “lands adjacent to the shoreline of lakes, rivers or streams that are not normally covered by water become flooded due to rainfall, wind and other factors.” Additionally, it states that the risk associated with flooding and erosion hazards will be altered because of climate change. Conservation Sudbury is the agency responsible for regulating development and site alteration in flooding and erosion hazard areas within most of the CGS. The policies relevant to this Proposal include:

- 1. Because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury or MNRF. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury or MNRF.*
- 5. Any alterations to the terrain within the Flood Plain which may have an effect on drainage and the erection of any structures must first receive the approval of Conservation Sudbury or MNRF.*

Schedule 6 to the OP shows hazard lands as determined by Conservation Sudbury.

This proposal is consistent with the hazard lands policies because the area proposed for redesignation and rezoning excludes the areas mapped as flooding hazard areas adjacent to Junction Creek and Kelly Lake. The current flooding hazard limit along Junction Creek and Kelly Lake is 248.4 masl (CGVD28) + 15 m. The Wavy Quarry 2 lands contain a bed rock knob in the northern part and wetland along most of the southern part. The land rises steeply starting at the northern boundary of the JCDW.

Part IV of the OP is entitled *Investing in Infrastructure*. The preamble indicates that addressing infrastructure needs in the CGS is particularly relevant due to the large geographic area and relatively



small population base. Section 11.0 addresses transportation. Some of the objectives as discussed in Section 11.1 are:

*It is the objective of the transportation network policies to:*

- a. ensure that the existing transportation network is maintained in a state of good repair;*
- c. support the expansion of the transportation network as demand justifies and ensure that improvements occur in a safe, efficient, environmentally sound and aesthetically pleasing manner.*

This Proposal supports the objectives of Section 11.0 because, if approved, it will provide an on-going supply of aggregate for projects including road construction and repair for the long-term. A significant proportion of the roads the City is responsible for are located in the old City of Sudbury. This project is located in within the old City of Sudbury. Sourcing aggregate locally is cost-effective and minimizes the production of greenhouse gas emissions related to transportation.

Section 11.6 discusses railways within the City. There is a railway line just north of the Wavy Quarry 2 lands and there is a spur line into the existing Wavy Quarry. Two of the rail policies state:

- 2. Conflicts between rail facilities and sensitive land uses will be prevented or mitigated, wherever possible.*
- 3. Any development adjacent to existing railway corridors or rail yards will ensure that appropriate safety measures such as setbacks, berms, crash walls and security fencing are provided to the satisfaction of the City and in consultation with the appropriate rail company.*

The proposed Wavy Quarry 2 is an industrial use not a sensitive land use. Fisher Wavy is aware of the appropriate safety measures and will continue to implement them when the Wavy Quarry 2 is developed.

Section 19.6 designates the majority of the City as Site Plan Control Areas. Fisher Wavy is aware of the requirement for a Site Plan Agreement. If this Proposal and the subsequent ARA licence are approved, they will work with the City to develop the Wavy Quarry 2 lands in accordance with the requirements agreed to in the Site Plan agreement.

Section 20.4 details the policies that apply to the lands in the South End. Land Use goals for the South End include facilitating “the orderly development of the South End” and “the designation of commercial and industrial development to expand the range of services and employment available in the South End.”



## 4.5 THE CITY OF GREATER SUDBURY ZONING BY-LAW

In Ontario, zoning by-laws are regulated under Section 34 of the Planning Act. Municipalities may pass zoning by-laws to:

- *Prohibit the use of land or buildings for any use that is not specifically permitted by the By-law;*
- *Prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the By-law;*
- *Regulate the type of construction and the height, bulk, location, size, floor area, spacing, and use of buildings or structures;*
- *Regulate the minimum frontage and depth of a parcel of land;*
- *Regulate the proportion of a lot that any building or structure may occupy;*
- *Regulate the minimum elevation of doors, windows or other openings in buildings or structures;*
- *Require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and,*
- *Prohibit the use of lands and the erection of buildings or structures on land that is:*
  - *Subject to flooding;*
  - *The site of steep slopes;*
  - *Rocky, low-lying, marshy or unstable;*
  - *Contaminated;*
  - *A sensitive groundwater recharge area or head water area;*
  - *The location of a sensitive aquifer;*
  - *A significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;*
  - *A significant corridor or shoreline of a lake, river or stream; or,*



- *The site of a significant archaeological resource (City of Greater Sudbury, 2025).*

The *City of Greater Sudbury Zoning By-Law 2010 – Z100 (ZBL)* was enacted and came into force on September 29, 2010. It was last updated on January 6, 2025. The preamble to the ZBL indicates that its purpose “is to implement the policies of the *City of Greater Sudbury Official Plan*.” Section 1.3 states:

*No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in accordance with the provisions of this By-law.*

*Any use not specifically permitted by this By-law shall not be permitted in the City of Greater Sudbury.*

Part 2 of the ZBL is entitled *Establishment of Zones*. Section 2.1 lists all of the land use zones found in the CGS and their symbols. Section 2.5 defines Exception Zones as follows:

*Where a Zone symbol on the attached schedule(s) is followed by a number enclosed within a set of brackets, the symbol refers to a site-specific exception that applies to the lands noted. Site-specific exceptions are listed in Part 11 of this By-law. Unless specifically amended by the Zone Exception, all other provisions of the Parent Zone apply.*

The current and proposed zoning of the Wavy Quarry 2 lands includes (Figures 7 and 8):

Current Zoning	Symbol	Proposed Zoning	Symbol
Mining Industrial	M4	Special Heavy Industrial Zone	M3(6)
Open Space – Private	OSP	Open Space – Private	OSP
Flood Plain Overlay	FP	Flood Plain Overlay	FP

Approximately 35% (34.8 ha) of the Wavy Quarry 2 are currently zoned M4, while the remaining 65% (63.9 ha) are zoned OSP (Figure 7). The OSP zone is found adjacent to the Kelly Lake and Junction Creek. Approximately 18% (22.6 ha) of the Wavy Quarry 2 lands are also within the Flood Plain Overlay Zone (Figure 7).

The proposed zoning for the Wavy Quarry 2 lands would result in approximately 57% of the Wavy Quarry 2 being zoned M3(6) (56.0 ha) with the remaining 43% (44.3 ha) retaining the existing OSP zoning (Figures 7 and 8). The area mapped as floodplain, the JCDW, and a 120 m setback from Kelly Lake, Junction Creek and the JCDW are contained within the proposed OSP zone.

The current OSP zoning will remain for the lands within the Conservation Sudbury’s regulated flood hazard area, the unevaluated JCDW, and the lands within 120 m of Kelly Lake and the JCDW. The natural heritage



features and their adjacent lands setbacks, and the flooding hazard areas that will not be developed are shown in Figures 5, 6, and 8. The intended use of these lands will be conservation use as permitted in Section 10.2 of the ZBL. Conservation Use is defined in Part 3 as:

*An area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system of other lands for the benefit of man and the natural environmental and which may include, as an accessory use, hiking trails and/or cross-country ski trails, buildings and structures such as nature interpretation centres and public information centres.*

Section 4.9 contains policies and requirements for development within Natural Hazard areas. The following subsections are applicable to this application:

#### 4.9.2 Flood Plain Overlay

*Notwithstanding any other provision of this By-law to the contrary, within the areas shown Schedule "A" of this By-law as Flood Plain Overlay (FP), the following shall apply:*

- a. legally existing buildings and structures shall be permitted;*
- b. no new buildings or structures shall be erected or used except for flood or erosion control or for providing access and only in accordance with any regulations of, and subject to the approval of the Nickel District Conservation Authority and, where applicable, pursuant to The Lakes and Rivers Improvement Act, R.S.O. 1990, Chapter L.3, The Fisheries Act, R.S.C. 1985, Chapter F-14, or The Public Lands Act, R.S.O. 1990, Chapter P.43, of the Ontario Ministry of Natural Resources.*

#### 4.9.3 Natural Hazards (By-law 2021-59Z)

*Notwithstanding any other provision of this By-law to the contrary, for any lands under the jurisdiction of the Nickel District Conservation Authority pursuant to the Conservation Authorities Act, R.S.O 1990 c. C.27, as amended, the following shall apply:*

- i. buildings or structures shall be erected or used in accordance with any regulations of, and subject to the approval of, the Nickel District Conservation Authority. Approval of the authority must be obtained prior to the addition or removal of material (e.g., fill, soil, etc.), whether originating on the site or elsewhere;*



- ii. *no new buildings or structures shall be erected or used on lands subject to natural hazards except for flood or erosion control or for providing access and only in accordance with any regulations of, and subject to the approval of, the Nickel District Conservation Authority.*

Section 4.41.3 requires Shoreline Buffer Areas “to remain in a natural vegetated state to a depth of 20.0 m from the high-water mark of a lake or river, and 12.0 m from the high-water mark of a permanently flowing stream.”

This Proposal is consistent with the Natural Hazards, Flood Plain Overlay, and Shoreline Buffer Areas provisions as the areas zoned Flood Plain Overlay, Natural Hazard Areas, and Shoreline Buffer Areas are contained within the 120 m setback applied to Kelly Lake and the JCDW, and the proposed OSP zoning.

Section 8 of the ZBL contains the provisions for all industrial zones. The current zoning of the northwestern part of the Wavy Quarry 2 lands is Mining Industrial. The proposed zoning is Exception Zone M3(6) to match the zoning of the adjacent lands owned and operated by Fisher Wavy. The site-specific provisions for Exception Zones are in Part 11 of the ZBL. Exception Zone M3(6) reads as follows:

*M3(6) (ALEXANDER CENTRE INDUSTRIES),*

*McKim Township Maps 2; Lot 9, Con 1; Lot 9, Con 2*

*Notwithstanding any other provision hereof to the contrary, within any area designated M3(6) on the Zone Maps, all provisions of this By-law applicable to M3 Zones shall apply subject to the following modifications:*

- (i) In addition to the uses permitted in an M3 Zone, an extractive use shall also be a permitted use.*

Extractive use is defined as “a mine, a pit, a quarry or a wayside pit or quarry” in Part 3 of the ZBL.

Section 4.29 Peat Extraction, Pits and Quarries prohibits the establishment of pits and quarries throughout the zoned area except where licenced under the ARA and where specifically permitted in the ZBL. It also prohibits the use of land, and erection of buildings and structures “for the purpose of processing, washing, screening, sorting or crushing rock, sand gravel and/or peat except as required for the construction of a permitted building or structure or services related thereto, and as expressly provided for in this By-law.”

Section 4.37.2 Railroads states that all buildings and structures shall be setback 15.0 metres in any Commercial (C) or Industrial (M) Zone from any lot line abutting a railroad right-of-way.

The portion of the Wavy Quarry 2 proposed to be rezoned to M3(6) will be used for extractive purposes, specifically as a pit and quarry, and potentially accessory uses. Fisher Wavy will comply with all applicable



general provisions and zone-specific provisions standards. The development of the Wavy Quarry 2 can not commence until an Aggregate Resources Licence has been approved by the OMNR.

## 4.6 CONSERVATION AUTHORITIES ACT AND REGULATIONS

The Nickel District Conservation Authority, now operating as Conservation Sudbury, was established in June 1973 under the Conservation Authorities Act R.S.O. 1990, C. C.27 (CA Act) (Conservation Sudbury, 2023). It “is responsible for hazard land management such as floodplains and wetlands, flood and erosion control, stewardship of Conservation Authority owned lands, and drinking water source protection within its watersheds.” The watersheds within its jurisdiction are “the Vermilion River and all its tributaries, the part of the Wanapitei River lying upstream of its confluence with Elbow Creek to the most northerly portion, and the portion of the Whitefish River watershed upstream of the outlet of Round Lake.” The Wavy Quarry 2 are within the McCharles Lake - Vermilion River Watershed and the Junction Creek Subwatershed (OMNRF, 2023a; Wood, 2019).

Section 28(1) of the CA Act prohibits people from carrying out the following activities within the boundaries of a CA watershed:

1. *Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.*
2. *Development activities in areas that are within the authority’s area of jurisdiction and are,*
  - i) *hazardous lands,*
  - ii) *wetlands,*
  - iii) *river or stream valleys the limits of which shall be determined in accordance with the regulations,*
  - iv) *areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or*
  - v) *other areas in which development should be prohibited or regulated, as may be determined by the regulations.*

However, these prohibitions do not apply to an activity approved under the Aggregate Resources Act.





Ultimately, the development of the proposed Wavy Quarry 2 will not require Section 28.1 permits. However, Conservation Sudbury has jurisdiction during the OPA and ZBLA approval process.

## 4.7 CONSERVATION SADBURY POLICIES AND PROCEDURES

Before O. Reg. 41/24 was enacted each Conservation Authority had its own *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulation. The Nickel District Conservation Authority's was O. Reg. 156/06. As a result, Conservation Sudbury's Section 28 policies and procedures documents refer to O. Reg. 156/06 rather than O. Reg. 41/24.

### 4.7.1 DETERMINATION OF REGULATION LIMITS REFERENCE MANUAL

Conservation Sudbury's *Determination of Regulation Limits Reference Manual* (Reference Manual) provides "high-level guidance" related to the review of CA Act Section 28 permit applications (Conservation Sudbury, 2021a).

The objectives of regulating activities in and adjacent to the areas listed in Section 28 as stated in Section 2.0 are:

- *Prevent loss of life,*
- *Minimize property damage and social disruption,*
- *Reduce public and private expenditure for emergency operations, evacuation and restoration,*
- *Minimize the hazards and unnecessary development of riverine floodplains and flood and erosion susceptible shoreline areas which in future years may require expensive protection measures,*
- *Regulate works and development which, singularly or collectively, may reduce riverine channel capacities to pass flood flows resulting in increased flood levels, and creating potential danger to upstream and downstream landowners, and*
- *Control water pollution, sedimentation, and potential nuisances, due to floating objects and debris.*

Section 4.0 addresses riverine hazards and hazard limits. Riverine systems "include all watercourses, rivers, streams and small inland lakes." Small inland lakes are defined as "lakes that have a surface area of less than 100 square kilometres and have a measurable and predictable response to a single runoff event." The potential hazards associated with riverine systems "include flooding, stream bank and valley erosion, and the erosion that can be attributed to meandering rivers or streams." The Riverine Hazard



Limit within Conservation Sudbury's jurisdiction is defined as "the greatest extent of the Erosion Hazard Limit and the Flood Hazard Limit." Technical guidance related to flooding hazards along rivers, streams, and small inland lakes is based on the OMNR's *Technical Guide, River & Stream Systems, Flooding Hazard Limit* (2002). Kelly Lake is considered a small inland lake because it has a surface area of less than 100 km<sup>2</sup>.

Section 7.0 describes the allowances and other areas that are included in the regulated areas, in addition to the Riverine Hazard Limit and Wetlands. The allowance associated with the Riverine Hazard Limits is 15 m. The allowance is intended to permit access to these hazard area "for emergencies, maintenance, and construction." It also provides "protection against unforeseen conditions that may adversely affect the land adjacent to a natural hazard area."

Section 7.3 indicates that in Riverine Systems, such as the Junction Creek Subwatershed, the Regulation Limits are:

*"mapped as the greatest extent of the:*

- *Riverine Hazard Limit, and*
- *A 15 metre Allowance, and*
- *Wetland boundary, and*
- *A 30 m Area of Interference adjacent to all wetlands."*

The parts of the Wavy Quarry 2 lands that are under the jurisdiction of Conservation Sudbury include: (Figures 5 and 6):

1. Riverine Hazard lands, specifically the flooding hazard associated with Kelly Lake. These hazard lands include the area below the 248.4 m above sea level (masl) flood elevation contour for Kelly Lake plus a 15 m allowance inland from that elevation,
2. Rivers and stream valleys, plus a 15 m allowance inland from the stable top of the valley; and
3. Wetlands greater than or equal to 0.5 ha, specifically the JCDW and the western boundary Wetland, and the areas within 30 m of them. The wetland regulation limits have also been applied to all depressional areas greater than 0.5 ha as a precaution;

In compliance with O. Reg. 41/24, and the Reference Manual, the portion of the Wavy Quarry 2 lands proposed for redesignation as Heavy Industrial and rezoning as M3(6) excludes:



- The Riverine Hazard Limit, including the 15 m inland allowance, associated with Kelly Lake, and Junction Creek (Figure 6). The Riverine flooding hazard regulated area is shown on Figure 6 as a setback; and
- The JCDW including the 120 m setback from it. The 30 m area of influence regulated by Conservation Sudbury is included in the setback.

The excluded areas are included in the portion of the Wavy Quarry 2 proposed to be designated Parks and Open Space and zoned Open Space – Private.

The western boundary wetland and its 30 m area of influence are within the proposed Heavy Industrial designation and M3(6) zoning, however, it has been excluded from the proposed excavation area (Figure 2).

The streams and their 15 m regulated areas within the proposed excavation area will not be conserved. For the most part, the streams appear to be ephemeral, only flowing during heavy precipitation events and the spring freshet. The water normally channelized into these streams will be directed around the excavation area.

Additionally, Fisher Wavy does not plan to conserve the on-Site wetland that is under 0.5 ha, and the depressional areas within the proposed excavation area as they are not regulated by Conservation Sudbury.

#### **4.7.2 DIRECTION ON THE ADMINISTRATION OF ONTARIO REGULATION 156/06 - WETLANDS**

The document “*Direction on the Administration of Ontario Regulation 156/06 – Wetlands*” (Wetland Guidelines) provides guidance and policies related to evaluating development and interference applications within and adjacent to wetlands within Conservation Sudbury’s area of jurisdiction (Nickel District Conservation Authority Staff, 2024). The preamble to the 2024 version of the Wetland Guidelines acknowledges that O. Reg. 156/06 has been superseded and indicates that “a full policy review has not been completed to date, therefore the statutory and regulatory references within this document are not current”. However, because “the general intent of the legislation has not changed, there are no significant changes to how development in and around wetlands is regulated.”

Section 1.2 provides definitions of wetland and the hydrologic functions of wetlands.

A wetland is defined as land that is:

- a) *seasonally or permanently covered by shallow water or has a water table close to or at its surface,*



- b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,*
- c) has hydric soils, the formation of which has been caused by the presence of abundant water, and*
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water.*

Section 1.3 describes the functions of a wetland. These include:

- Ecosystem functions such as “primary production, sustaining biodiversity, wildlife habitat, habitat for species at risk, maintenance of natural cycles (carbon, water) and food chains.”
- Socioeconomic values and functions such as “recreation opportunities, production of valuable products, improvement of water quality and educational benefits.”
- Flood attenuation during flood events, “wetlands within the floodplain of a watercourse provide an area for the storage of flood waters and reduce the energy associated with the flood waters.”
- Retaining water “when high-water levels and peak flows occur, especially during the spring freshet and storm events wetlands retain water and release it slowly into watercourses.” This allows “it to infiltrate into the ground, and/or evaporate.”
- Improving water quality by retaining and modifying “nutrients, chemicals and silt in surface and groundwater”.
- Providing hydrologic functions defined as “the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things” (Government of Ontario, 2024).

Section 1.3.2 explains that the “removal, filling, dredging, or changing the hydrologic regime of wetlands (e.g. ponds or drains) can reduce a wetland’s “capacity to retain water”, increase “flooding and erosion due to higher flows in watercourses”, and decrease its “ability to retain water”, result in changes “to the hydrologic cycle and reduce the ability to recharge the associated aquifer.”

Additionally, development in a wetland “may remove or impact wildlife species and their habitat, degrade or remove natural vegetation communities and impair water quality and quantity in both surface and groundwater.”



Section 1.4 provides the implementation guidelines Conservation Sudbury uses to review planning and development applications. It states, “in general, all development can occur outside and be set back an appropriate distance from the wetland boundaries.” The implementation guidelines in Section 1.4.1, state that in general, development and interference, ponds and drains, and stormwater management facilities shall not be permitted within wetlands.

Section 1.4.2.1 states, in part, that “in general, development shall not be permitted within 30 metres of the boundary of the wetland”. However, for large scale industrial development requiring Planning Act approval, Conservation Sudbury may permit development within 30 metres of a wetland if the interference on hydrologic functions of the wetland is deemed to be acceptable.

The on-Site wetlands, including the JCDW and the western boundary wetland, were delineated and characterized in 2024 (Figure 5). To protect the JCDW, and its ecological and hydrological functions, the portion of the Wavy Quarry 2 proposed for redesignation as Heavy Industrial and rezoning as M3(6) excludes the JCDW and an area of interference measuring 120 m in accordance with OMNR’s *Natural Heritage Reference Manual* (Figure 6). The western boundary wetland is within the area to be redesignated and rezoned as Heavy Industrial and M3(6), respectively. However, the proposed extraction area excludes this wetland and a 30 m area of influence (Figure 2).

With the proposed setbacks from the JCDW and the western boundary wetland this application complies with Conservation Sudbury wetland policy implementation guidelines, as revised by O. Reg. 41/24. This mitigation measures to protect the western boundary wetland will be addressed in the NER that must accompany the ARA licence application.

## 5 SUPPORTING DOCUMENTS

The *Environmental Opportunities and Constraints, Wavy Quarry Pit Expansion* report completed in March 2021 by Tulloch Environmental accompanies this Report. It is a desktop study that identified potential and candidate natural heritage features and values found on and within 500 m of the Wavy Quarry 2. The purpose of the Study was to scope the NER required when Fisher Wavy applies for an ARA licence. The NER is currently in preparation.

The *Junction Creek Delta Wetland Characterization and Delineation* report completed in 2024 by Blue Heron Environmental is provided as a supporting document. It documents the on-site wetlands as delineated in 2024.



## 6 PUBLIC CONSULTATION STRATEGY

Public consultation is required when requesting an Official Plan Amendment and a Zoning By-law Amendment once the City of Sudbury provides Fisher Wavy notice that they deem the applications complete. The public consultation strategy for this project will include the following items:

- A notice indicating the purpose of the application will be circulated to all property owners within 120 m of the Wavy Quarry 2 lands;
- A notice will be published on the Fisher Wavy Inc. website;
- A sign will be posted at the intersection of Ceasar Road and Kelly Lake Road. Normally the notice would be posted on the subject lands, but they are not publicly accessible;
- A statutory public hearing will be held following the City of Sudbury's review of this application;
- A notice about the public hearing will be provided to the property owners within 120 m of the Wavy Quarry 2;
- A notice about the public hearing will be posted on the Fisher Wavy Inc. website; and
- A sign providing notice of the public hearing will be posted at the at the intersection of Ceasar Road and Kelly Lake Road.

## 7 CONCLUSIONS

This report provides a planning analysis of the Proposal to redesignate and rezone as Heavy Industrial and M3(6) Heavy Industrial Special, respectively the portion of the Wavy Quarry 2 that is:

- Above the limit of the Flooding Hazard (248.4 masl (CGVD28) + 15 m) regulated by Conservation Sudbury,
- 120 m from Kelly Lake and Junction Creek to protect fish habitat, and
- 120 m from the mapped boundary of the unevaluated JCDW (Figures 4, 5, 6, and 8).

The proposed land use designation and zoning of the excluded part of the Wavy Quarry 2 lands is Parks and Open Space and Open Space-Private, respectively.

The proposed redesignation and rezoning are consistent with:



- The Planning Act;
- The Provincial Planning Statement 2024;
- The Growth Plan for Northern Ontario; and
- Conservation Sudbury's guidelines and policies.

The Proposal is consistent with the *City of Greater Sudbury Official Plan*. The OP indicates that providing an economic environment that retains industrial enterprises is desirable. Additionally, the OP acknowledges that natural resources, especially mineral and mineral aggregate resources, form the basis of Sudbury's economy and additional investment and activity in these sectors are required. Sudbury's OP, also, states that natural heritage features and areas are valued and need to be protected. Finally, it addresses natural, and human made hazards, stating that new development is directed to areas outside of these hazardous areas. If approved, the land use class redesignation and rezoning will allow for the expansion of the Wavy Quarry, subject to OMNR's approval of an *Aggregate Resources Act* licence. It will ensure long-term economic benefits for the City of Sudbury while ensuring that important natural heritage features and areas are protected. The proposal does not create any new flooding hazards or impact existing ones, as the areas within the regulated flooding hazard limit are protected from development.

In summary, this Proposal is desirable for this property, conforms to all applicable planning policy and represents good planning.

Sincerely,

Janice Christian, M.Sc.  
*Senior Project Manager*  
janice@greenstoneengineering.ca

Alex Duchesne, M.E.Sc., P.Eng., QP<sub>ESA</sub>  
*Project Manager*  
alexandra@greenstoneengineering.ca



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## **APPENDIX A – FIGURES**



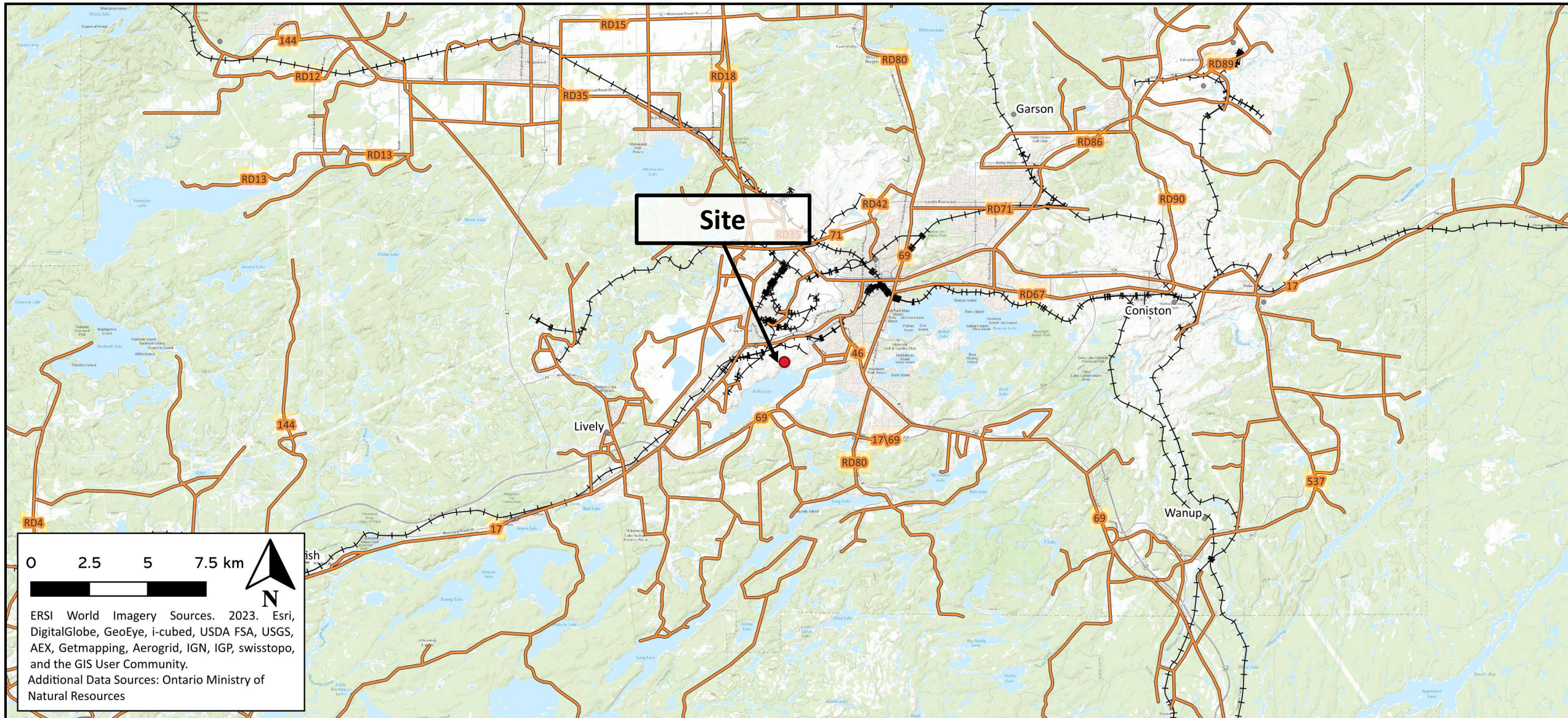


FIGURE 1: LOCATION MAP



Address: Wavy Quarry 2, 1 Ceaser Road, Greater Sudbury

Scale: 1:200,000

Project Number: 23008

Date: January 2025

Report Name: Planning Justification Report

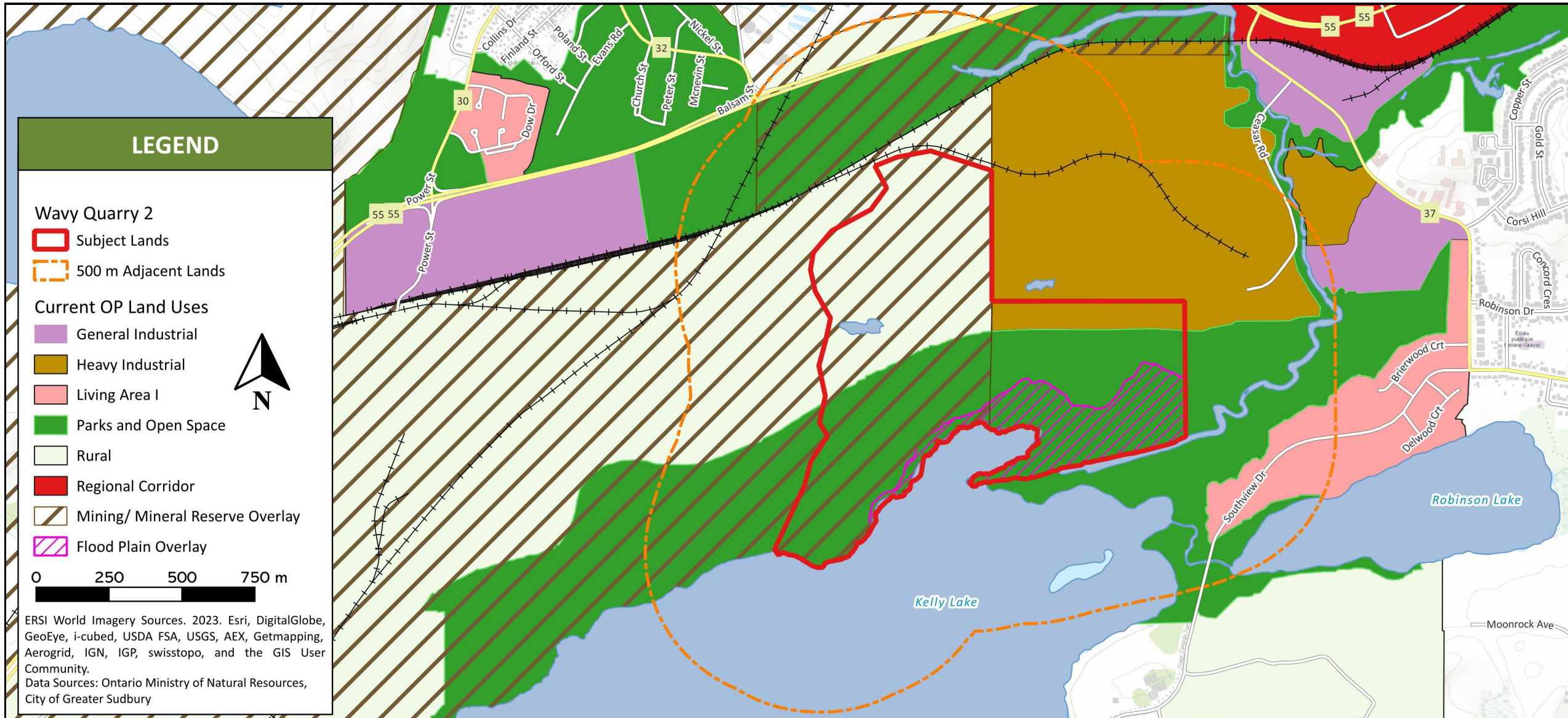
Client: Fisher Wavy





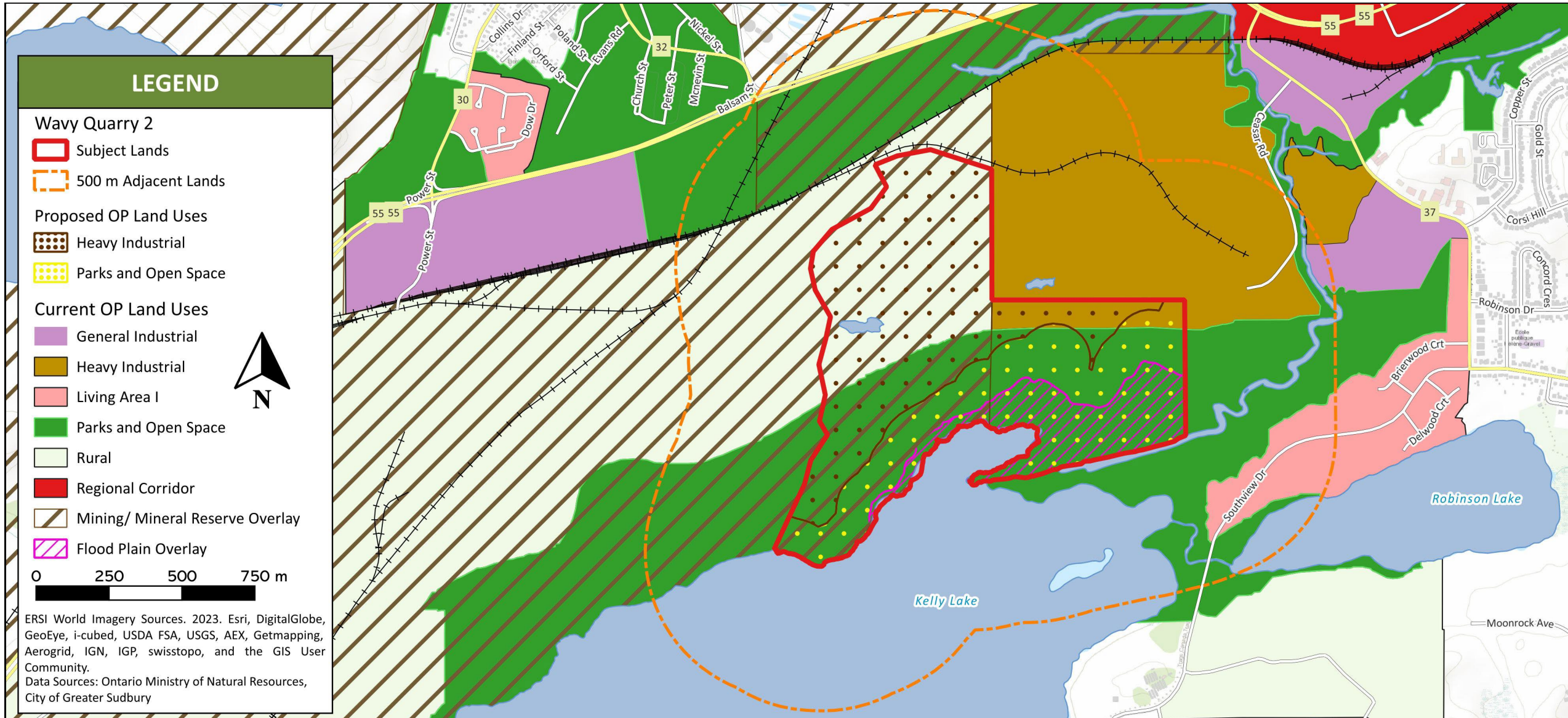
FIGURE 2: SITE MAP





**FIGURE 3: CURRENT OFFICIAL PLAN LAND USE DESIGNATIONS MAP**





**FIGURE 4: PROPOSED OFFICIAL PLAN LAND USE DESIGNATIONS MAP**



Address: Wavy Quarry 2, 1 Ceaser Road, Greater Sudbury

Scale: 1:16,000

Project Number: 23008

Date: January 2025

Report Name: Planning Justification Report

Client: Fisher Wavy



## LEGEND

### Wavy Quarry 2

- ▬ Subject Lands
- ▬ 248.4 Flood Contour

### Watercourses

- ▬ Permanent Stream
- - - Ephemeral Stream
- ▬ Waterbodies

### Wavy Quarry 2 Wetlands

- ▬ Depressional Area (DTM)
- ▬ Off-site Wetland (DTM)

### Delineated Boundaries

- ▬ Junction Creek Delta
- ▬ Western Boundary
- ▬ On-Site Isolated
- ▬ Robinson Lake Western
- ▬ Off-Site Isolated

### Conservation Sudbury Regulated Areas

- ▬ 15 m Streams
- ▬ 30 m Wetlands & Depressional Areas (> 0.5 ha)



0 250 500 750 m

Map data ©2025 Google  
Data Sources: Ontario Ministry of Natural Resources, City of Greater Sudbury



**FIGURE 5: ENVIRONMENTAL CONSTRAINTS MAP**





**FIGURE 6: PROPOSED SETBACKS MAP**









## **APPENDIX B – PRECONSULTATION UNDERSTANDING AGREEMENT**

# Pre- Consultation Understanding

Planning Services

200 Brady Street, Tom Davies Square  
Sudbury, ON P3A 5P3  
T: (705) 674-4455 Ext. 4295  
F: (705) 673-2200



PRE-CONSULTATION UNDERSTANDING

PRE-CONSULT FILE: PC2023-031									
OWNER: Fisher Way Inc. c/o Vanessa Felix (Agent: Greenstone Engineering Ltd.)									
SPART MEETING: April 19, 2023									
PROPERTY DESCRIPTION/ADDRESS: 1 Caesar Road, Sudbury									
REPORTS AND PLANS					OPA	ZBL	SITE PLAN	SUB	CONDO
	REPORTS								
	Application Form				✓	✓			
	Arborist Report								
	Archaeological Assessment								
	Draft Official Plan Amendment								
	Draft Zoning By-law Amendment								
	Environmental Impact Study (Full-Site)								
	Environmental Impact Study (Scoped)				✓	✓			
	(IF REQUIRED – SEE NOTES)								
	Functional Servicing Study								
	Geotechnical/Soils Report								
	Heritage Impact Assessment								
	Hydrogeologic Study								
	Mine Hazard Study								
	Noise Study								
	Parking Study								
	Phase I Environmental Site Assessment								
	Planning Justification Report				✓	✓			
	Public Consultation Strategy				✓	✓			
	Risk Management Plan								
	Servicing Options Report								
	Source Protection Plan Section 59 Application								
	Stormwater Management Report								
	Sun/Shadow Study (>6 Storeys)								
	Traffic Impact Study (IF REQUIRED – SEE NOTES)				✓	✓			
	Transportation Demand Management Plan								
	Vibration Study								
	Wind Study (>6 Storeys)								
	PLANS								
	Comprehensive Development Plan								
	Concept Plan				✓	✓			
	Construction Erosion and Sediment Control Plan								
	Draft Plan of Condominium								
	Draft Plan of Subdivision								
	Elevation Plans								
	Floor Plans								
	Grading Plan								
	Landscape Plan								
	Legal Survey Plan (RECOMMENDED)				✓	✓			
	Off-Site Servicing Plan								
	Photometric Exterior Lighting Plan								
	Site Plan								
	Servicing Plan								
	Other Reports/Plans(s) – Specify								
1. Existing Conditions Plan				✓	✓				
2. Quarry Operational Plan				✓	✓				
3. Rehabilitation Plan				✓	✓				
Agencies to be Contacted by Applicant									
			OPA	ZBL	SITE PLAN		CONDO		
	Canada Post								
	Canadian National Railway								
	Canadian Pacific Railway								
	Greater Sudbury Utilities								
	Hydro One								
	Ministry of Municipal Affairs								
	Ministry of Natural Resources and Forestry				✓	✓			
	Ministry of the Environment, Conservation & Parks								
	Ministry of Transportation Ontario								
	Nickel District Conservation Authority (Conservation Sudbury)				✓	✓			
	Sudbury District Health Unit (SDHU)								
	Sudbury East Planning Board								
	Others – Specify								
	1.								

PRE-CONSULTATION UNDERSTANDING

Planning Services Notes

Building Services:

- 1. No concerns at this time; and,
- 2. Should you have any questions, please contact Markku Makitalo, Plans Examiner, by email at [markku.makitalo@greatersudbury.ca](mailto:markku.makitalo@greatersudbury.ca).

Conservation Sudbury:

- 1. Conservation Sudbury notes that the subject lands are partially situated within an area (ie. floodplain, watercourses, wetlands, etc.) that is regulated by [Ontario Regulation 156/06](#) under the [Conservation Authorities Act](#). It is noted that most of the features present have not been mapped and/or identified;
- 2. The owner is advised that works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the [Conservation Authorities Act](#). For information purposes, works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed;
- 3. However, further to the above the owner is advised that Conservation Sudbury will assume the role of a commenting agency should an a development application be filed under the [Aggregate Resources Act](#) and strict adherence to the Conservation Authorities Act may not be required in those areas covered under the license. If any new land uses are proposed prior to receiving an aggregate license, development within and adjacent to above noted features will be fully subject to the Conservation Authorities Act;
- 4. The owner is also advised that Conservation Sudbury is currently completing a new floodplain study for the Junction Creek watershed and results are expected within the next few months. The floodplain elevation at this location may change. The landowner is encouraged to consult with Conservation Sudbury prior to filing any planning applications being filed with the City of Greater Sudbury;
- 5. For information purposes, the owner is provided with the following “Permits and Planning” web-link: <https://conservationsudbury.ca/en/permits-planning.html>;
- 6. As part of complete applications for Official Plan Amendment and Zoning By-law Amendment, the Concept Plan must include field-verified flood contours and said work must be completed by an Ontario Land Surveyor (OLS) or otherwise qualified professional engineer. It is noted that all structures must be situated at least 15 m (49.21 ft) from the flood contour line. It is therefore recommended that any flood hazards plus a 15 m (49.21 ft) remain zoned or be rezoned to “OSP”, Open Space – Private; and,
- 7. Should you have any questions, please contact Sarah Woods, Regulations & Planning Officer, by email at [sarah.woods@conservationsudbury.ca](mailto:sarah.woods@conservationsudbury.ca).

Development Approvals Section:

- 1. The subject lands are split-designated Heavy Industrial, Mining-Mineral Reserve and Parks & Open Space in the City’s Official Plan and split-zoned “M3(6)”, Heavy Industrial Special, “M4”, Mining Industrial and “OSP”, Open Space – Private in the City’s Zoning By-law;
- 2. For reference purposes, both the City’s Official Plan and Zoning By-law are available online at the following web-links: <https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/official-plan/official-plan/op-pdf-documents/official-plan/> and <https://www.greatersudbury.ca/do-business/zoning/>;
- 3. For the owner’s information, the City’s Official Plan Amendment Application Form is available at the following web-link: <https://www.greatersudbury.ca/do-business/planning-and-development/start-a-planning-application/planning-application-forms/official-plan-amendment/>;

4. For the owner's information, the City's Rezoning Application Form is available at the following web-link: <https://www.greatersudbury.ca/do-business/planning-and-development/start-a-planning-application/rezoning-applications/>;
5. As part of a complete application for Official Plan Amendment, the owner is required to submit a Planning Justification Report (PJR) that has been prepared and provided by a Registered Professional Planner or other related qualified professional. The required PJR must address how the development proposal complies with both provincial land use planning documents (ie. PPS & Growth Plan for Northern Ontario) and the City's Official Plan;
6. The owner is further advised that the submitted Official Plan Amendment Application must identify and outline the specific amendment to the City's Official Plan that is proposed. The owner is encouraged to review the City's Official Plan in order to ensure that the amendment that is proposed addresses all applicable policy relief that is required in order to accommodate the development proposal (ie. expanded quarry operation) on the subject lands. It is noted that both the Heavy Industrial and Mining/Mineral Reserve land use designations permit extractive uses, so the owner must be clear if only a part of the lands require a policy exception and/or redesignation (eg. Parks & Open Space to Heavy Industrial or a site-specific exception within the P&OS designation instead);
7. It is unclear from the pre-consultation application and associated materials if the owner is seeking to expand the existing quarry operation **and also** increase the range of industrial land uses permitted on the lands. If only expanding the quarry operation, staff would recommend that the owner apply to rezone the lands impacted by the intended expansion from "M3(6)", Heavy Industrial Special, "M4", Mining Industrial and "OSP", Open Space – Private in the City's Zoning By-law to "M3(6)", Heavy Industrial Special. The rezoning to "M3(6)" would permit a wider range of land uses beyond that of a quarry and this will trigger other submission requirements outlined in this PCUA. If the owner intends on expanding the range of industrial land uses beyond that of a quarry operation, then a more tailored site-specific zone may be appropriate (eg. "M4" across the entirety of the quarry operation);
8. As part of a complete Zoning By-law Amendment application, any site-specific relief that is required in order to facilitate the intended development of the lands must be identified both in the rezoning application form and on the required Concept Plan. Further to this, given the complexity of the development proposal and potential mixture of land uses involved a zoning compliance checklist must be included on the Concept Plan. The owner is encouraged to review the general provisions, parking provisions and zone-specific development standards that would be applicable to the development proposal in order to ensure that the Zoning By-law Amendment application seeks all required site-specific relief that would be required. It is again noted that the submitted Concept Plan must include a zoning compliance table that demonstrates where compliance is achieved and where site-specific relief is required;
9. As part of complete applications for Official Plan Amendment and Zoning By-law Amendment, submission of an Existing Conditions Plan, Quarry Operational Plan and Rehabilitation Plan are required and should provide sufficient details and analysis of the before, during and after phases of the proposed quarry;
10. The owner may wish to contact the Ministry of Natural Resources and Forestry to discuss the above comment and submission requirements. The following web-link would also be of assistance in preparing the rezoning application: <https://www.ontario.ca/page/aggregate-resources>;
11. As part of complete applications for Official Plan Amendment and Zoning By-law Amendment, the submission of a Concept Plan is required and must depict all required information as indicated in Question #23 b) of the City's Zoning By-law Amendment Application Form;
12. If available, please also include any Legal Survey Plans which provide an accurate legal description of the subject lands; and,
13. Should you have any questions, please contact Glen Ferguson, Senior Planner, by email at [glen.ferguson@greatersudbury.ca](mailto:glen.ferguson@greatersudbury.ca).



**Development Engineering:**

- 1. The subject lands are not presently serviced with municipal water and sanitary sewer infrastructure within the road allowance of Caesar Road. There is however a municipal water connection to an existing building situated on a southerly portion of the lands which is provided through a watermain traversing a municipally-owned parcel of land that has frontage on Kelly Lake Road; and,
- 2. Should you have any questions, please contact Robert Webb, Supervisor of Development Engineering, by email at [robert.webb@greatersudbury.ca](mailto:robert.webb@greatersudbury.ca).

**Drainage Section:**

- 1. No concerns at this time; and,
- 2. Should you have any questions, please contact Tom Gmyrek, Hydraulic Modeler/Analyst, by email at [tom.gmyrek@greatersudbury.ca](mailto:tom.gmyrek@greatersudbury.ca) and/or Paul Javor, Drainage Engineer, by email at [paul.javor@greatersudbury.ca](mailto:paul.javor@greatersudbury.ca).

**Fire Services:**

- 1. No concerns at this time; and,
- 2. Should you have any questions, please contact Doug White, Senior Fire Prevention Officer, by email at [doug.white@greatersudbury.ca](mailto:doug.white@greatersudbury.ca).

**Roads, Transportation & Innovation:**

- 1. As part of complete application for a Zoning By-law Amendment, the submission of a Traffic Impact Study (TIS) that has been completed by a qualified professional engineer is required **only if** the request lands uses go beyond that of a quarry and/or aggregate use and/or the existing use is being expanded in terms of absolute tonnage of materials being hauled. If the development proposal represents an expansion to an existing quarry due to exhausting the existing supply and there is no increase in tonnage being hauled then no TIS is required. If required, the TIS must at a minimum assess the traffic impacts of the proposed development on the surrounding road system and identify any improvements to the road system or mitigating measures to that would be necessary in order to accommodate the development. In particular, the TIS must also consider the proposed industrial lands uses as it relates to trip generation and impact on surrounding local streets; and,
- 2. Should you have any general questions on the above, please contact Ryan Purdy, Traffic & Transportation Engineering Analyst, by email at [ryan.purdy@greatersudbury.ca](mailto:ryan.purdy@greatersudbury.ca).

**Site Plan Control:**

- 1. The owner is advised that site plan control may be applicable to the the development proposal;
- 2. For the owner’s information, the City’s Site Plan Control website is available at the following web-link: <https://www.greatersudbury.ca/do-business/planning-and-development/start-a-planning-application/site-plan-control-application/>;
- 3. The owner is advised that a further pre-consultation application for the site plan component of the overall development proposal will be required; and,
- 4. Should you have any general questions on the above, please contact Jonathan Clark, Site Plan Control Engineer, by email at [jonathan.clark@greatersudbury.ca](mailto:jonathan.clark@greatersudbury.ca).

**Strategic & Environmental Planning:**

1. The development proposal may pose an elevated risk to species protected by the [Endangered Species Act](#) (ESA) and/or to their habitat;
2. It is also noted that [Schedule 5 – Natural Heritage](#) in the City’s Official Plan denotes that a wetland is present on a southerly portion of the subject lands;
3. As part of complete applications for Official Plan Amendment and Zoning By-law Amendment, a scoped Environmental Impact Study (EIS) is required in order to determine whether or not there are Species-At-Risk (SARs) and/or their habitat present on the lands and also to establish the limits of the wetland(s) and to determine the extent of appropriate development as well as any mitigation measures that are determined to be appropriate and necessary as it relates to both SARs and wetlands;
4. The above noted matters may be addressed through aggregate approvals processes that are administered by the Ministry of Natural Resources and Forestry (MNRF), If the development proposal involves land uses over and above aggregate extraction, the above noted comments remain valid and an EIS would be required as part of complete Official Plan Amendment and Zoning By-law Amendment applications; and,
5. Should you have any questions, please contact Bailey Chabot, Senior Planner, Environmental Planning Initiatives, by email at [bailey.chabot@greatersudbury.ca](mailto:bailey.chabot@greatersudbury.ca) or Stephen Monet, Manager of Environmental Planning Initiatives, by email at [stephen.monet@greatersudbury.ca](mailto:stephen.monet@greatersudbury.ca).

Name: Glen Ferguson

Date: April 19, 2023

PRE-CONSULTATION UNDERSTANDING

1. Official Plan Designation: Heavy Industrial, Mining-Mineral Reserve, and Parks & Open Space

Conformity with Official Plan designation: ☐ YES ☒ NO

If “No” what is the nature of the amendment needed?

To permit an expanded quarry operation on lands designated Parks and Open Space. It is unclear from the pre-consultation application what the intended development proposal entails and on what parts of the lands there is a land use policy issue requiring attention.

2. Existing Zoning: “M3(6)”, Heavy Industrial Special, “M4”, Mining Industrial and “OSP”, Open Space – Private

Compliance with the City’s Zoning By-law? ☐ YES ☒ NO

If “No” what is the proposed zoning or amendment required?

To permit an expanded quarry operation and/or to expand the range of permitted land uses across the entirety of the subject lands (eg. quarry and all other permitted “M3” uses).

3. Related File No.(s): N/A

4. Additional Information: N/A

Acknowledgement by Owner/Agent

The owner acknowledges that this form in no way confirms support or non-support by the City of the presented proposal, is based on the agreed processing and submission requirements discussed.

By signing below, I acknowledge that, subject to any appeals, the drawings, report(s) and other information requirements indicated on the above chart, must be submitted along with a completed application form, any information or materials prescribed by statute, the required application fees and this executed Pre-consultation Application Form to be considered complete. All comments and direction offered by City staff and outside agencies is preliminary and based solely on the information available at the time of the meeting and is only applicable for up to one year from the date of the Pre-consultation meeting. Once an application has been submitted, deemed complete and circulated for comments additional information or consultation meetings may be required during the processing of the application. In addition, I have read, understood, and agreed to all of the notes listed on this form.

Owner/Agent (Print)	Owner/Agent (Signature)	Date
Glen Ferguson		April 26, 2023
CGS Planning Services Staff (Print)	CGS Planning Services Staff (Signature)	Date

## GLOSSARY

### Application Form

A development planning application form in accordance with the Ontario Planning Act and includes applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium and site plan approval.

### Arborist Report

A report by a certified arborist identifying the species, size of a tree(s) and evaluating their health and condition, and setting out the nature of the work to be undertaken on the tree(s), tree replacement, replanting information and the arborist's recommendation for treatment of the tree(s), i.e., recommend removal and replacement, recommend preservation, etc.

### Archaeological Assessment

An assessment in accordance with Provincial and municipal requirements in or near areas of archeological potential.

### Comprehensive Development Plan

A plan that illustrates the subject lands in context with abutting properties and the land uses in the surrounding area.

### Concept Plan

A plan drawn to scale showing the proposed development including all existing natural and human elements, including existing buildings and proposed buildings, driveways, parking areas, walkways, landscaped areas, amenities, property limits, natural features including streams, forested areas, wetlands along with descriptions.

### Construction Erosion and Sediment Control Plan

A plan that details the measures to control sediment and erosion. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

### Draft Official Plan Amendment

A draft official plan amendment includes all text, maps and appendices required by the City.

### Draft Plan of Condominium

The information required on plans to be in accordance with the Planning Act and its regulations. The information required to be shown on the draft plan are:

- a) proposed exclusive use areas of the common element, such as outdoor yards and parking;
- b) driveways and pedestrian access to the proposed private units

### Draft Plan of Subdivision

The information required on plans is to be in accordance with the Planning Act and its regulations. The information required to be shown on the draft plan are:

- a) the boundaries of the land to be subdivided as certified by an Ontario Land Surveyor
- b) the locations, widths and names of the proposed highways within the proposed subdivision and of the existing highways on which the proposed subdivision abuts
- c) on a small key plan, at a scale not less than one centimeter to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part
- d) the purpose for which the lots or blocks are to be used
- e) the existing uses of all adjoining lands
- f) the approximate dimensions and layouts of the proposed lots
- g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps, and wooded areas within or adjacent to the land proposed to be subdivided
- h) the availability and nature of domestic water supplies
- i) the nature and porosity of the soil
- j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land
- k) the municipal services available or to be available to the land proposed to be subdivided
- l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided

## **Draft Zoning By-law Amendment**

A draft zoning by-law amendment includes all text, maps and appendices required by the City.

## **Elevation Plans**

Architectural drawings presenting the external design of all proposed structures within the development, including buildings, retaining walls, fences, loading and garbage collection doors. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

## **Environmental Impact Study (Full-Site)**

A study prepared by a qualified professional that contains a description of the proposal, the natural environment and an assessment of the environmental impacts of the proposal and a description of mitigating measures and recommendations. A full-site EIS requires a greater level of detail than that included in a scoped-site EIS that is appropriate to the scale of the proposed development and potential environmental impacts.

## **Environmental Impact Study (Scoped)**

A study prepared by the development proponent or an environmental professional which addresses the requirements of an EIS in an abbreviated report or checklist and is usually applied to minor developments, single lot consents, or where negative impacts are known to be minor. The exact requirements of the scoped-site EIS will be established through consultation with municipal staff.

## **Functional Servicing Study**

A report which addresses and ensures that the proposed development may be serviced in accordance with the City of Greater Sudbury Design Standards and Criteria. The report should include the proposed servicing scheme (Water supply and distribution, sanitary and storm drainage), the proposed grading for the site and road/access and right-of-way widths, etc.

## **Geotechnical/Soils Report**

A report that analyses soil composition to determine its structural stability and its ability to accommodate development.

## **Grading Plan**

A plan that details the grading required to facilitate the development of a specific site. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

## **Heritage Impact Assessment**

A report prepared by a qualified consultant for development on lands located within a designated Heritage Conservation District or where development is proposed on or adjacent to a property or building designated under the *Ontario Heritage Act*. The report shall demonstrate that any development is in conformance with the Heritage Conservation District Plan where one exists, or demonstrates that the proposed development maintains the heritage aspects for which the property was designated and is compatible with the building and its heritage attributes. Compatibility may include building materials, colour, height, scale and design.

## **Hydrogeologic Study**

A study reviewing and summarizing information for the site and surrounding areas including soil and groundwater information from available mapping, well records, monitoring wells and site specific geotechnical studies. The study shall identify the existing groundwater quality and local hydrogeological setting including the site-specific aquifer vulnerability index (ISI) and the rate and direction of groundwater flow, water quality and water budget. The report shall also identify and classify the nature of any predicted adverse impacts and measures that will be taken. Risk management/reduction measures are to be described, including engineering controls, management (emergency response plans) and monitoring programs, if applicable.

## **Landscape Plan**

A plan including details on the location, type and number of planting materials to be located on a development site. The City of Greater Sudbury Site Plan Control Guide provides additional details on the requirements for a landscape plan. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

## **Legal Survey Plan**

A plan prepared by a licenced member of Ontario Land Surveyors Association that includes the location and nature of any easement affecting the subject lands.

## **Mine Hazard Study**

A study addressing a development proposal on, abutting or adjacent to lands affected by mine hazards or abandoned pits and quarries. The study shall identify potential safety hazards, demonstrate that the site can be rehabilitated to mitigate the known or suspected hazard, establish procedures for site rehabilitation and mitigation of the safety hazard or provides evidence that the potential hazards do not exist.

**Noise Study**

A noise study determines the impact on adjacent developments resulting from the proposed development or determines the impact on the development site from an existing noise source and recommends mitigation measures. Noise Studies are to be completed in accordance with the most recent guidelines issued by the Ministry of the Environment and Climate Change.

**Off-Site Servicing Plan** - A plan showing, road improvements, and/or sewer and water main upgrades required within the municipal right of way. Refer to The City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

**Parking Study**

A study prepared when a development proposal does not meet the minimum parking standard requirements in the City's zoning by-law. The study shall be prepared by a qualified professional and provide a basis in support of the reduced parking standard.

**Phase I Environmental Site Assessment**

The first phase of the systematic identification and evaluation of the potential impacts of proposed developments relative to the physical, chemical and biological components of the environment. A Phase II or III Environmental Report may be required depending upon the recommendations of the Phase 1 Report.

**Photometric Exterior Lighting Plan**

A plan which shows the location of each current and/or proposed outdoor lighting fixture with the projected hours of use measured in lux and the area of the lighting dispersed by each lighting fixture. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

**Planning Justification Report**

A report prepared and provided by a Registered Professional Planner or other related qualified professional. A planning justification report must address the development proposal's compliance with Provincial documents (Provincial Policy Statement, Growth Plan for Northern Ontario) and City of Greater Sudbury planning documents.

**Risk Management Plan**

A report that outlines the risk management actions to be undertaken by the owner, required to address the identified significant drinking water threats for the property. The applicant should contact the City's Source Water Protection Risk Management Office to assist with this report. Refer to the City's Source Water Protection Plan for further information at: <https://www.greatersudbury.ca/live/water-and-wastewater-services/source-water-protection/risk-management-plans/>

**Public Consultation Strategy**

A statement setting out the applicant's plans for consulting with the public on official plan amendment, rezoning, or plan of subdivision applications.

**Servicing Options Report**

A report which evaluates options for water and sanitary services applicable to the proposed development and includes a review of existing water service infrastructure; estimation of water demands, (domestic and fire flow); confirmation of the capacity of existing infrastructure to supply the required flows; review of options for sewage servicing; estimation of daily sewage flows; estimation of area requirements for the sewage system; and recommendation with respect to preferred water and sewer servicing and preliminary infrastructure sizing.

**Site Plan**

A site plan shall be prepared in accordance with the City of Greater Sudbury's Site Plan Guidelines. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

**Servicing Plan**

A plan that details the water and sanitary servicing, hydro, lighting and other infrastructure, to facilitate the development of a specific site. Refer to the City's Site Plan Control Guide for further information at: <https://www.greatersudbury.ca/do-business/planning-and-development/application-forms/pdf-documents/site-plan-control-guide/>

**Source Protection Plan Section 59 Application**

A completed application form for Section 59 Notice, Restricted Land Use Review, for applicants proceeding with a building permit or application under the *Planning Act*, in a "Vulnerable Area" as identified in the Greater Sudbury Source Protection Plan. Copies of the application form are available on the City's web site at: <http://www.greatersudbury.ca/living/sewer-and-water/source-water-protection/>.

**Stormwater Management Report**

A report that presents the data, methods, procedures and predicted results associated with the design of drainage works and erosion protection measures related to a development. The report shall be prepared by a qualified engineer and provide details on the techniques used to control storm runoff to allowable runoff rates, the method and volume of stormwater storage and the techniques used to address water quality requirements.

**Sun/Shadow Study (6 Storeys or Greater)**

A study showing the effects of a development on sunlight reaching surrounding properties, buildings and adjacent public realm areas by calculating the shadow that will be cast by the development at different times of day in different seasons. Sun/Shadow Studies maybe required for official plan amendments, zoning by-law amendments and site plan applications for developments usually 20 metres or 6 storeys and greater in height.

Sun/Shadow tests should be done for March 21 and September 21 between the hours of 9 AM and 6 PM. The Sun/Shadow diagram should identify permanently shaded areas between the start of December to the end of February.

**Traffic Impact Study**

A study which assesses the traffic impacts of a proposed development on the surrounding road system and identifies any improvements to the road system or mitigating measures to accommodate the development.

**Transportation Demand Management Report**

A report which establishes strategies to reduce travel demand from single occupancy private vehicles or to redistribute this demand in space or in time on the surrounding road system.

**Vibration Study**

A vibration study determines the impact on adjacent developments resulting from the proposed development or determines the impact on the development site from an existing vibration source and recommends mitigation measures.

**Wind Study (6 Storeys or Greater)**

A pedestrian wind model analysis is required for all six storey or taller buildings. For official plan and zoning by-law amendment applications a preliminary "Wind Impact Statement" by a qualified, registered Professional Engineer to professional standards is required. For site plan applications a detailed wind tunnel impact study shall be prepared by a qualified, registered professional engineer, and shall be based on a scale model simulation analysis, prepared to professional standards.





## **APPENDIX C - REPORT LIMITATIONS & GUIDELINES FOR USE**

This report has been prepared for the exclusive use and sole benefit of the Client or its authorized agent(s) and may not be used by any third party without the express written consent of Greenstone Engineering Ltd. and the Client. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of third parties. This report is not to be construed as legal advice. Greenstone Engineering Ltd. disclaims responsibility of consequential financial effects on transactions or property values, or requirements for follow-up actions and costs. No other warranty is expressed or implied.

Misinterpretation of this report by other design or project team members or contractors could result in significant financial and/or safety issues. Retaining Greenstone Engineering Ltd. to confer with the appropriate members of future related project teams can substantially lower those potential issues.

### **BASIS OF THE REPORT**

The information, opinions, and/or recommendations made in this report are in accordance with Greenstone Engineering Ltd.'s present understanding of the site-specific conditions as described by the Client. The applicability of this report is restricted to the current site conditions encountered at the time of the investigation or study. If the proposed site-specific conditions differs or is modified from what is described in this report or if the site conditions are altered, this report is no longer valid unless Greenstone Engineering Ltd. is requested by the Client to review and revise the report to reflect the differing or modified project specifics and/or the altered site conditions.

### **STANDARD OF CARE**

Based on the limitations of the scope of work, schedule, and budget, the preparation of this report, and all associated work, was carried out in accordance with the normally accepted standard of care for the specific professional service provided to the Client. The environmental conditions that have been presented are based on the factual data obtained from this investigation. No other warranty is expressed or implied.

### **INTERPRETATION OF SITE CONDITIONS**

Descriptions of environmental conditions made in this report are based on site conditions encountered by Greenstone Engineering Ltd. at the time of the work, and at the specific inspected, tested, monitored and/or sampled locations. Classifications and statements of condition(s) have been made in accordance with commonly accepted practices, which are judgmental in nature; no specific description should be considered exact. Extrapolation of in-situ conditions can only be made to some limited extent beyond the sampling or test points, if completed. The extent depends on variability of the specific media conditions (building materials, soil, groundwater, rock, sediment, etc.) as influenced by natural, environmental, geological and/or hydrogeological processes, construction activity, and site/building use. No warranty or other conditions, expressed or implied, should be understood.

### **VARYING OR UNEXPECTED CONDITIONS**

Regardless of how exhaustive an environmental investigation is performed, the investigation cannot identify all concealed materials, which may differ from the materials encountered at the sampling locations at the time of our investigation. Further, material conditions can change with time due to natural and direct or indirect human impacts. As such, no warranty is expressed or implied that the entire site is representative of the material information obtained at the specific sampling locations of our investigation.





Should any materials be encountered that are different from those described in this report or encountered at the sampling locations, Greenstone Engineering Ltd. must be notified immediately to assess if the varying or unexpected conditions are substantial and if reassessments of the report conclusions or recommendations are required. Greenstone Engineering Ltd. will not be responsible to any party for damages incurred as a result of failing to notify Greenstone Engineering Ltd. that differing materials, or site conditions are present upon becoming aware of such materials, or conditions.

## **PLANNING, DESIGN, AND CONSTRUCTION**

If there are any changes in the project scope or development features, which may affect our assessment, the information obtained during the investigation may be inadequate. In this case, Greenstone Engineering Ltd. should be retained to review the project changes to evaluate if the changes will affect the conclusions and recommendations within our report, and if additional field investigation work, as well as reporting is required as part of the reassessment.

Development or design plans and specifications should be reviewed by Greenstone Engineering Ltd., sufficiently ahead of initiating the next project stage to confirm that this report completely addresses the elaborated project specifics and that the contents of this report have been properly interpreted. Specialty quality assurance services (field observations and testing) during construction/demolition can be a necessary part of the work process. Site work relating to the recommendations included in this report should only be carried out by trained and/or certified workers. Greenstone Engineering Ltd. cannot be responsible for site work carried out by workers without adequate training in the necessary fields.

## **FINANCIAL DISCLAIMER**

Greenstone Engineering Ltd. will not be responsible for any consequential or indirect damages. Greenstone Engineering Ltd. will only be held liable for damages resulting from the negligence of our work completed. Any liability resulting from negligence of Greenstone Engineering Ltd. and its officers shall be limited to the lesser of fees paid and/or actual damages incurred by the Client.

## **LEGAL DISCLAIMER**

Greenstone Engineering Ltd. makes no other representations whatsoever, including those concerning the legal significance of its findings, or as to other legal matters that could be construed within this report, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein. With respect to regulatory compliance issues, regulatory statutes are subject to interpretation and these interpretations may change over time.

## **REGULATORY DISCLAIMER**

This report has been prepared for due diligence purposes only and in accordance with standard environmental engineering and consulting practices in accordance with applicable regulations and standards.