

**PLANNING JUSTIFICATION REPORT**  
**WENCO PROPERTIES LTD.**  
**December 2024**

## **Introduction**

Menic Planning Services Inc. has prepared the following planning justification report on behalf of Wenco Properties Ltd. The proponents own a large parcel of land located at the east end of Compressor Station Road just east of Highway 527 (herein referred to as the “subject property”).

This report is submitted in support of a rezoning application to the Municipality of Shuniah to enable the extraction of larger volumes of aggregate material from the existing gravel pit located on the subject property. The proponent has made application to the Province to change the status of the gravel pit from Class C to Class A under the *Aggregate Resources Act*.

This report will specifically address the proposed development’s conformity with the Municipality of Shuniah Official Plan, consistency with the Provincial Planning Statement 2024 (PPS) as required by Section 3 of the *Planning Act* and consistency with the Northern Growth Plan.

## **Description of Subject Property**

The subject property is located at the east terminus of Compressor Station Road just east of Highway 527. It is currently the only existing use on this section of the road and all of the other properties are vacant undeveloped land. This section of Compressor Station Road is not opened and municipally maintained by the Municipality. The road is identified on the various Official Plan Schedules and classified as “Other” in the road classification system. The subject property is otherwise unserved.

The property is legally described as the North Part of Lot 16, Concession B and has a total lot area of 60 hectares. The property has historically been used as a gravel pit which has been in continuous operation since the 1960’s.

The surrounding land uses are designated and developed with an array of rural uses including some limited scattered residential development. All of the properties abutting the subject property are currently vacant. The nearest rural residential use is located approximately 1 kilometer to the east on Highway 527.

## **Proposed Development**

The current land use of the subject property as a gravel pit will remain the same. The proposed development is to allow for greater volumes of aggregate material to be removed from the existing pit. The owner is currently seeking this approval from the Province under the *Aggregate Resources Act*.

It is understood that the current use is considered to be a legal non-conforming use as it legally existed prior to the passing of the current Zoning By-law. The By-law states:

LONG STANDING USES 3.2.1 Where any land, building or structure was used at January 1st, 1980 for a purpose permitted in the zone in which it was then located, such use is deemed to have been legally conforming to this By-law as at that date.

NON-PERMITTED USES 3.3.1 So long as any land, building, or structure remains as a legally non-permitted use, none of the relevant zone regulations apply. Use will be limited entirely to those buildings and/or structures as they existed on the date of passing of this by-law, subject to any change by an approved Committee of Adjustment permission or zoning amendment.

The subject property is currently zoned as “Rural Zone”. The permitted uses of Section 2.2.1 do not permit a “Pit” as defined in the By-law. Given the change in the level of activity being proposed (larger volumes of extraction), a zoning amendment is required as per Section 3.3.1 of the By-law. The application for rezoning seeks to rezone the property to the “AG-P” Aggregate Extraction- Processing Zone which permits a “Pit”.

### **Municipality of Shuniah Official Plan**

The subject property is Rural as shown on Schedule A1– MacGregor Township Land Use Designations. Additionally, the lands are specifically identified as Aggregate Site Active – Both Pit and Quarry on Schedule B1 – MacGregor Township Development Constraints.

The policies of the Rural designation are contained in Section 2.3 of the Plan.

2.3.1 Intent of the Designation: The intent of the RU Rural designation is to recognize the low density, multi-purpose area in which a variety of land uses can be accommodated.

2.3.2 Goal: To support economic development with compatible uses while protecting the environment and existing uses and resources from incompatible uses.

2.3.3 Permitted uses include: limited residential, which may include accessory uses and home occupations, additional residential units, garden suites, and private individual energy facilities; highway, tourist, and local commercial; agricultural, agricultural-related, on-farm diversified; and normal farm practices; forestry; **aggregate exploration and/or aggregate extraction operation**; mineral exploration and/or mining operation; industrial; institutional; recreational; resource-based recreational (including recreational dwellings), portable asphalt plant; alternative energy; cemetery; kennel; and existing remote cottage use.

The policies related to Mineral Aggregate Resources are contained in Section 3.8 of the Plan.

New or expanding mineral aggregate extraction, including pit and quarry operations, shall be separated from sensitive land uses and screened from view to the greatest extent possible. New or expanding mineral aggregate extractions, including pit and quarry operations of any size shall be undertaken in a manner which minimizes social and environmental adverse

effects to a negligible level demonstrated through appropriate studies as part of the planning justification.

New or expanding mineral aggregate extraction operations shall not adversely affect existing and future adjacent land uses.

Aggregate operations are therefore, recognized as a use that would be permitted in the Rural designation. The subject property has been used for aggregate extraction for more than six decades. It is located in a remote area that is surrounded by vacant lands providing an extensive buffer to surrounding land uses. The nearest sensitive land uses are more than a kilometer from the west boundary of the subject property. In addition, the access to the site is on a roadway that is not maintained by the Municipality which connects directly to Highway 527 which is part of the Provincial highway system. All traffic generated to and from the aggregate operation will be via Highway 527 and will have no impact on the local road system.

The proposed development conforms to all of the applicable policies of the Official Plan and the requested rezoning meets the purpose and intent of the Plan.

#### **Provincial Planning Statement 2024**

The Provincial Planning Statement (“PPS”) is issued under Section 3(1) of the Ontario *Planning Act* and provides direction on matters of provincial interest regarding land use planning. All applications considered under the Planning Act “shall be consistent with” the Provincial Planning Statement. Sections that are pertinent to the proposed development include the following.

#### 4.5 Mineral Aggregate Resources

##### 4.5.1 General Policies for Mineral Aggregate Resources

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 Protection of Long-Term Resource Supply

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.

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

3. Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

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.

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 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.

The proposed development is consistent with the policies of the PPS. It clearly states that mineral aggregate resources need to be identified and protected for long term use. Extraction has been occurring at this location and will continue to occur with little to no social, economic or environmental impacts.

### **Growth Plan for Northern Ontario 2011**

Section 2.1 of the Northern Growth Plan states that the policies of the Plan are intended to support growth and diversify the region's traditional resource-based industries. The forestry and mineral sector are vital to Ontario's economy and these sectors will continue to drive the North's economy. The proposed expansion of this existing aggregate resource meets the intent of this Growth Plan policy.

The proposal does not conflict with any of the other applicable policies of the Northern Growth Plan.

### **Conclusion**

The proposed rezoning to enable the existing aggregate operation to extract larger quantities of material is consistent with the applicable policies of the PPS as described herein. It does not conflict with any applicable policies of the Northern Growth Plan.

The development, as proposed, conforms with the policies of the Official Plan. Its' location in an area that is largely undeveloped as well as the direct connection to the Provincial highway system ensures that the expanded use will have no negative impact.

In my professional opinion, the proposed development represents good planning.

Syl Menic MCIP, RPP  
Menic Planning Services Inc.