

June 23, 2023

VIA EMAIL: [planning@oliverpaipoonge.on.ca](mailto:planning@oliverpaipoonge.on.ca)

Wayne Hanchard  
Chief Administrative Officer/Clerk  
Municipality of Oliver Paipoonge  
3250 Highway 130  
Rosslyn, Ontario P7K 0B1

Dear Mr. Hanchard,

**Re: Subdivision 1-2022 - Northstar Holdings  
CON 1 & 2 N/R PT LOT 7**

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Lakehead Region Conservation Authority staff have reviewed the above-noted application regarding the proposal to develop a 12-lot subdivision over lands which are comprised of CON 1 & 2 N/R PT LOT 7. It is understood that Cooper Road south needs to be extended to provide public road access to the proposed subdivision.

**Documents Received and Reviewed by Staff**

Staff have received and reviewed the following documents as part of this application:

- Cooper Road Environmental Impact Statement, North Rock Engineering - Project No. E22-009-01, 2022

It is noted that the North Rock Engineering report does not reference or use the most up to date Official Plan Schedule "B", specifically the Environmental Protection designation is out of date and does not represent the current Pennock Creek Floodplain or wetland layer. Additionally, in reference to page 6 paragraph 5, it is clarified that wetlands may exist; however, may not be regulated per the *Conservation Authorities Act*. In general, not being regulated under the *Conservation Authorities Act* does not negate any requirements under Section 2.1 of the Provincial Policy Statement (reviewed by the approval authority, not the Conservation Authority).

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 180/06 and related to policy applicability and to assist with implementation of the Lakehead Source Protection Plan under the *Clean Water Act*.

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### **Recommendation**

Based on our review, the proposed lots have sufficient developable area to support industrial development on the subject property; however, adequate access and egress is currently not achievable, as the sole access road (Cooper Road) is overtopped at a 25-year return period.

It is recommended that the following be included as conditions of approval to the satisfaction of the LRCA within the Subdivision Agreement:

- The owner shall, design, construct and install adequate access and egress on Cooper Road over Pennock Creek to the subdivision to the satisfaction of the Lakehead Region Conservation Authority.
- The lot grading and drainage plan be to the satisfaction of the Lakehead Region Conservation Authority.
- Lot 12 have a notification requirement, where the purchaser of the lot is notified that a portion of the lot is regulated by the Lakehead Region Conservation Authority and any development within the regulated area will require a permit from the Authority.

Comments are based on the updated Pennock Creek Floodplain Study dated September 2020 and the KBM Wetland Delineation completed in 2021. It is recommended that all maps associated with the Subdivision be updated to use the correct floodplain and wetland layers.

### **Site Characteristics**

Existing mapping indicates that the subject property is situated within the LRCA Regulated Area. Regulated features include:

- Pennock Creek floodplain and adjacent regulated buffer,
- Pennock Creek Unevaluated Wetlands and associated adjacent regulated buffer,
- Land zoned Hazard Land, Use Limitation or Environmental Protection.

### **Delegated Responsibility and Statutory Comments:**

1. The Lakehead Region Conservation Authority has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.

It is noted that development in the context of the Provincial Policy Statement includes the creation of new lots. The subject application does not meet the intent of the following Sections within the Provincial Policy Statement.

- Section 3.1.2: Development and site alteration shall not be permitted within:
  - c) 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.

2. The Lakehead Region Conservation Authority has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 180/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches unstable soil and bedrock are not affected are not affected. The Lakehead Region Conservation Authority also regulates the alteration to or interference in any way with a watercourse or wetland.
  - The construction of any buildings or structures, the placing or dumping of fill, site grading, interference with a wetland, or any alteration to the shoreline or existing channel of a lake or watercourse will require a permit from the Authority.
  - Any development within the wetland may also require an Environmental Impact Statement prepared by a qualified professional.

### **Summary**

Given the above comments, it is the opinion of the Lakehead Region Conservation Authority that:

1. Consistency with Section 3.1 has not been demonstrated as currently there is no adequate access and egress.
2. Ontario Regulation 180/06 does apply to the subject site. A permit from Lakehead Region Conservation Authority will be required prior to any development taking place in the regulated area.
3. The subject site is not located within an area that is subject to the policies contained in the Source Protection Plan.

This information is current at the time of writing and may be amended as more accurate information becomes available. If you should have any questions, please contact Scott Drebit, GIS/Water Resources Technologist, at the Authority office.

Please forward a copy of the decision to the Conservation Authority.

Sincerely,



Scott Drebit  
GIS/Water Resources Technologist


















tjc/mds/sd

Encl: Map

# Subdivision 1-2022 Northstar Holdings



## Legend

-  Subject Property
  -  Parcels
  -  LRCA Property
  -  Approximate Regulated Area
- Regulated Features:**
-  Regional Floodline
  -  100 Year Floodline
  -  Fill Line
  -  Floodplain
  -  Water Body
  -  Provincially Significant Wetland
  -  Evaluated Wetland
  -  Unevaluated Wetland
  -  Stream
  -  River
- Roads**
-  Highway
  -  Road
  -  Street

0 50 100 150 200 250 m

1:7,500

This publication was produced by:  
Lakehead Region Conservation Authority  
130 Conservation Rd.  
Thunder Bay, ON  
P7B 6T8

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Coordinate System: NAD 1983 CSRS UTM Zone 16N  
Projection: Transverse Mercator  
Datum: North American 1983 CSRS  
Units: Meter

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